HOUSE OF REPRESENTATIVES—*Monday, July 20, 1998*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. STEARNS).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 20, 1998.

I hereby designate the Honorable CLIFF STEARNS to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 21, 1997, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes.

The Chair recognizes the gentlewoman from California (Mrs. CAPPS) for 5 minutes.

THE NEED FOR MANAGED CARE REFORM

Mrs. CAPPS. Mr. Speaker, on behalf of the patients of the Central Coast of California and all across America, I rise today to say that enough is enough. With only 36 days left in this Congress, the House has yet to debate and vote on real managed care reform. The leadership has consistently blocked efforts to bring a comprehensive HMO or health care reform bill to the floor, and the American people deserve better.

Instead, this week the House will vote on partisan bills that have just been slapped together, and not the bipartisan patients' rights measures that already have significant support here in the House and all across this country. As a nurse, I know firsthand the importance of accessible, quality, patient-centered health care. Basic patients' rights can mean the difference between life and death.

As I meet with constituents in my district, no matter what the occasion, they very often come forward to me with their concerns about their health care. Sometimes these are dramatic stories which make the news, which horrify us all. More often, though, they are individual instances of promises not kept, compromised outcomes, resources depleted, and care that is just halfway good.

My fellow nurses tell me with great sadness in their voices how it hurts to deny basic health care needs; to send frail, elderly patients home alone, so dizzy they cannot even stand. Surely we can do better than this in this great Nation, with the medical resources that we have at our disposal.

Before us today, before us this week, we have the opportunity to consider landmark legislation which will allow people to choose their own doctor, which will end oppressive gag rules so patients have access to all critical treatment options, and perhaps, most importantly, which will give patients legal recourse when insurance companies deny necessary medical coverage.

Mr. Speaker, today I will be among the first to sign the bipartisan HMO reform discharge petition. This petition will allow an open debate on health care proposals that will enable doctors and patients to make essential medical decisions. If patients can sue their doctors for poor care, they should be able to sue the big insurance bureaucrats who pull the strings and are behind these cost-cutting decisions which do affect the quality of care.

As one of three nurses in Congress, I feel it is my duty to speak out. Our health care system needs serious medicine, not a political placebo.

Mr. Speaker, 230 of my colleagues, Democrats and Republicans alike, have already cosponsored both the Patients' Bill of Rights and the Patients' Access to Responsible Care Act. I strongly encourage all 230 Members to sign this discharge petition today, so we can finally pass comprehensive, bipartisan managed health care reform legislation this year.

OUR NATION'S SECURITY DEPENDS ON RESTORING OUR MILITARY FORCES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from North Carolina (Mr. JONES) is recognized during morning hour debates for 5 minutes.

Mr. JONES. Mr. Speaker, I have three military bases in my district in eastern North Carolina: Camp LeJeune Marine Base, Cherry Point Marine Air Station, and Seymour Johnson Air Force Base. Perhaps that is why I continue to join many of my colleagues who come to the floor on a regular basis to talk about the current deplorable state of our military.

I hope my colleagues and I do not speak in vain, but rather that the President and his advisers will heed the concerns of the Congress and the American people, and make sure our military is adequately prepared to defend the freedoms of this great Nation.

Mr. Speaker, when I returned home over the Fourth of July break, and each time I go home, I am reminded of how we take our Nation's military for granted. Many times when traveling in my district I have had the honor of meeting and talking with the men and women who currently and courageously serve our Nation, as well as some of the 77,000 retired military in the Third District of North Carolina.

These are the brave men and women who, serving now or in the past, dedicated their lives to preserving peace for all America. Yet, despite the enormous responsibility they have to protect our Nation's security, they are faced with drastic cuts in defense spending, and struggle every day to do more with less.

Mr. Speaker, the reality of these cuts is frightening. Our U.S. forces are 32 percent lower than 10 years ago. In 1992, when President Clinton took office, we had 18 army divisions. Now we have 10. In 1992 we had 24 fighter wings. We now have 13. In 1992 we had 546 Navy ships. Now we have just over 300.

Mr. Speaker, I am noticing an alarming trend. Perhaps this administration does not realize that cutting back on the Nation's defense capabilities threatens our ability to protect our Nation. The men and women who serve this country cannot do the job without adequate resources and without adequate forces.

It is time for the administration to make national security a priority. We cannot continue to sit idly by and allow the American people to rest in a false sense of security. The truth is, while the threat to our Nation's security grows, our military forces continue to decline.

As a Member of Congress, and like so many American citizens, I am concerned about the fact that the United States does not have a capable missile defense system, and quite frankly, America is neither prepared nor equipped to handle the threat of a ballistic missile attack.

A bipartisan commission recently issued a report confirming that a ballistic missile threat to the United States is greater than we imagine, and perhaps, even worse, that threat is growing. The report says that we have failed to understand the degree to which our Nation's security is threatened, but the threat is real.

Mr. Speaker, if there was an accident today and a Nation mistakenly launched a ballistic missile at the United States, we would have 15 minutes to act. But whether we had 15 minutes or 15 days, the issue is not time, the issue is that the United States does not have a capable missile defense system. We do not have an adequate system because we do not have the funding.

Just 2 months ago the House passed the defense authorization bill for fiscal year 1999. The administration's request for the defense budget request this year represents the 14th consecutive year of real decline in defense spending.

I want to repeat that, Mr. Speaker. The administration's request for the defense budget request this year represents the 14th consecutive year of real decline in defense spending. In fact, the defense budget request is the lowest real level of U.S. defense spending since before the Korean War. This trend cannot continue.

Mr. Speaker, the Cold War is over, but the threat to our Nation's security is ever present. Despite what the commission reports as a very real and growing threat, defense has been cut nearly in half under the Clinton administration alone. We cannot continue to stand by and let the American people assume our military has the necessary means to defend the freedoms of this Nation.

I urge my colleagues to call upon the administration to take responsibility for our Nation's decline in defense, and work with Congress to restore a military force that is capable and ready. We owe it to the American public and we owe it to ourselves. Most importantly, our Nation's security depends on it. May God bless America.

ANNOUNCING HEARING ON H.R. 836, FILIPINO VETERANS EQUITY ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from California (Mr. FILNER) is recognized during morning hour debates for 5 minutes.

Mr. FILNER. Mr. Speaker, I want to again remind the Members of this House that on Wednesday, July 22, at 10 in the morning, there will be a hearing before the Committee on Veterans Affairs.

This is not just a normal oversight hearing, not just a normal markup of an ordinary bill, but the culmination of more than 50 years of struggle for justice and honor will be presented at this hearing.

A 15-year battle for justice and honor will be coming to a head at this hearing, because more than 50 years ago, the brave Filipino soldiers of World War II, soldiers who were drafted into our Armed Forces by President Roosevelt, soldiers who exhibited great courage at the epic battles of Bataan and Corregidor, were unceremoniously deprived of all their veterans' benefits by the Congress of 1946.

Whereas there were almost a quarter of a million soldiers who were involved at that time, there are less than 75,000 alive today. Their last wish, Mr. Speaker, their last wish is to have the honor and dignity that was due them restored by this Congress, the honor and dignity of being recognized as veterans of World War II.

The chairman of the Committee on Veterans' Affairs, the gentleman from Arizona (Mr. STUMP), will be conducting this hearing. The subject will be H.R. 836, the Filipino Veterans Equity Act, sponsored by the distinguished chairman of the Committee on International Relations, the gentleman from New York (Mr. GILMAN) and myself.

Almost 200 cosponsors are part of this bill now, and what this bill says is that we will restore dignity and honor to these proud veterans. We will remedy historical injustice. We will make good on the promise of what America is.

Let me just remind my colleagues that President Truman, in 1946, recognized the injustice that was being done by the Congress at that time. Here is what he said in a statement back in February of 1946. I am quoting President Truman:

> Filipino army veterans are nationals of the United States and will continue in that status until July 4, 1946. They fought as American nationals under the American flag and under the direction of our military leaders. They fought with gallantry and courage under the most difficult conditions during the recent conflict. Their officers were commissioned by us. Their official organization, the Army of the Filipine Commonwealth, was taken into the Armed Forces of the United States by executive order of President Roosevelt on July 26, 1941. That order has never been revoked or amended. I consider it a moral obligation of the United States to look after the welfare of the Filipine army veterans.

That moral obligation remains with us in this Congress, as it did with the Congress of 1946. At this hearing on Wednesday, July 22, at 10 in the morning, a living history, a living American history, will be presented to the American public. We will have testimony by survivors of the infamous Death March from Bataan in 1942.

Brigadier General Nanadiego, who is now a special presidential representative for the Office of Veterans Affairs at the Embassy of the Philippines, will give his emotional story. He was on the Death March, where thousands of people died during the days that that march was taking place. There was brutality, there were assassinations, there was much suffering on that march.

General Nanadiego survived that march, survived conditions in the prisoner of war camp, and then joined the guerrilla resistance movement until the Philippines was in fact restored to its independence, first under General MacArthur, and then getting its own independence a little later.

We will hear testimony this Wednesday from Lieutenant Colonel Edwin Ramsey, an American officer in the Philippines who escaped after the fall of Bataan and organized guerrilla action in the Philippines for several years. It was that guerrilla action that held up the advance of the Japanese for much longer than American analysts thought, and allowed us to prepare the Philippines for MacArthur's return a few years later.

Let us recognize the bravery and gallantry of the Filipino veterans. Let us pass H.R. 836. Let us give equity now to these brave veterans of World War II.

NIH MUST ESTABLISH PRIORITIES BASED UPON NEED

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, no one, including myself, would ever fault the National Institutes of Health, NIH, and the valuable research being done by them. I know how important NIH is to our Nation's future, including its economic well-being. Advances in medical research to prevent, cure, or at least minimize the degree of financial devastation caused by such diseases experienced in the United States is a major reason why it is so necessary that we fund these vital research projects.

That being said, however, I must admit that I have been troubled by several newspaper stories I have read recently concerning the manner in which NIH chooses its spending priorities. One such article appeared in the Washington Post on July 9, and used as its source a recently released report from the Institute of Medicine, IOM.

The roughly 200-page report, entitled "Scientific Opportunities and Public Needs," warns that NIH must do a better job of justifying its spending decisions or it could lose its historically elevated credibility. The premise of the report is that political pressures often play a crucial role and can influence funding decisions.

I have always steadfastly defended the work being done at NIH, and assured its critics that, contrary to what they may think, this was not true. However, when I read the conclusions

made by the IOM, I decided to look into this report further. I have with me, Mr. Speaker, a chart. Let us take a look at this chart prepared by the Institute of Medicine on NIH spending priorities.

As Members will note, heart disease is the number one killer in America; 732,400 people die. The spending is $852 million; cancer, 534,300 die. We spend $2,571,000,000.

Let us go further down and look at AIDS–HIV. It is listed as the eighth leading cause of death. It kills 42,100 a year, yet it receives $1.4 billion. The death figures are for 1994 and the spending priorities are for 1996.

Mr. Speaker, in other words, NIH spends approximately $43,000 per death researching AIDS and HIV, while heart disease, which kills over 20 times as many people each year, receives only $1,160 per year per death. Heart disease was the number one killer in 1995, 1996, and 1997. Research dollars at NIH do not reflect this.

According to a Centers for Disease Control, CDC, 1997 report, the top five killers are: cardiovascular disease, one; two, cancer; three, stroke; four, chronic lung disease; five, accidents. Mr. Speaker, note that HIV–AIDS does not even appear in the top five killers, but receives almost the top funding from NIH.

It is very difficult to justify such types of funding disparities. Other diseases, such as diabetes, were responsible for causing 56,700 deaths in 1996, making it the sixth leading cause of death in the United States. By contrast, diabetes research received only $299 million research dollars.

Not only has scientific research made important strides in identifying the causes of certain diseases, it has also launched tests of new drugs to enhance recovery from stroke and spinal cord injury and produce a new drug for the treatment of epilepsy.

In these days of trying to balance the budget, we must not lose sight of the fact that by delaying the onset of diseases such as Alzheimer's, stroke, and cardiovascular disease, we would save almost an estimated $35 million through a reduction in the need for nursing home care.

Now, to my way of thinking, that is not a small amount of money. However, this can only occur if the huge spending increasess that NIH receives do in fact flow to all the institutes, so that all the diseases benefit from these new sources of dollars.

I respect the work being conducted at NIH and believe it has some of the finest first-class scientists and researchers in the world. I would caution, however, that the articles of criticism about the way it runs its shop are becoming more and more frequent. They also need to restructure their priorities based upon the needs. That is my message this afternoon.

Congress has an obligation to ensure that all of its citizens are represented, and this includes how their tax dollars are being spent, especially when it comes to funding for biomedical research.

DISCHARGE PETITION ON PATIENTS' BILL OF RIGHTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Iowa (Mr. GANSKE) is recognized during morning hour debates for 5 minutes.

Mr. GANSKE. Mr. Speaker, today I am initiating a discharge petition to force the House to debate House Resolution 486, a rule for consideration of managed care reform bills.

House Resolution 486 provides for the consideration of the Dingell-Ganske Patients' Bill of Rights, and would allow both the manager's substitute amendment and a substitute by one of the leading Republican advocates of managed care reform, the gentleman from Georgia (Mr. CHARLIE NORWOOD).

The gentleman from Georgia (Mr. NORWOOD) could offer the bill developed by the Hastert task force or some other reform plan. Finally, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, this week the House may debate House Resolution 4250, the patient protection bill developed by the Hastert task force. This bill just became available for review a few days ago. It has serious problems. It is not the best bill.

I have many concerns which I will not outline today, but let me give just one example. A year or so ago when we passed patient protection legislation as part of the Medicare reform bill, we banned what are called gag rules. These are rules that HMOs set up that prevent doctors or nurses or other health professionals from telling the patients all of the information or treatment options they need.

In our Medicare bill, we said that HMOs could not prohibit or restrict communications. Those last two words are important, "or restrict." They are in the bill that I support, the Patients' Bill of Rights. However, in the Hastert bill, the word "restrict" was taken out.

What that means, then, is that an HMO could erect a thousand hurdles that your doctor or nurse would have to jump over to try to tell their patients all of their treatment options. That would be okay, as long as the HMO did not prohibit those types of communications. That is a serious, serious loophole in the legislation, and it is one of the many reasons why I think it is not the best legislation.

I am saying, Mr. Speaker, that it is my intention to testify before the Committee on Rules and to ask that they permit the Dingell-Ganske Patients' Bill of Rights to be offered as an amendment, not merely as a motion to recommit or as a part of some other procedural move. If the Committee on Rules makes such an amendment in order, I can always take my name off this discharge competition.

Mr. Speaker, there are only 33 legislative days left this year. The clock is ticking on our patients. There are many other Republican Members who are concerned that the debate on patient protection legislation be timely and fair.

If the gentleman from Michigan (Mr. DINGELL) and I are not permitted to offer the Patients' Bill of Rights as an amendment, then I will seek to collect Republican signatures on this petition to bring the best HMO reform bill before the House for a fair vote.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 55 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. STEARNS) at 2 p.m.

PRAYER

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

We are instructed in the Psalms in the scriptures, "Be still, and know that I am God."

With so many voices to be heard and many lessons to be understood, it is no wonder that Your still strong voice, gracious God, is not heard. May this moment of prayer allow us to be still and focus on the clarity of Your forgiving word and the soothing comfort of Your eternal voice. We pray with earnest hearts that we will continue to listen to Your good graces, O God, so that Your peace that passes all human understanding will be with us now and until our last day. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio (Mr. TRAFICANT) come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 1439. An act to facilitate the sale of certain land in Tahoe National Forest in the State of California to Placer County, California.

H.R. 1460. An act to allow for election of the Delegate from Guam by other than separate ballot, and for other purposes.

H.R. 1779. An act to make a minor adjustment in the exterior boundary of the Devils Backbone Wilderness in the Mark Twain National Forest, Missouri, to exclude a small parcel of land containing improvements.

H.R. 2165. An act to extend the deadline under the Federal Power Act applicable to the construction of FERC Project Number 3862 in the State of Iowa, and for other purposes.

H.R. 2217. An act to extend the deadline under the Federal Power Act applicable to the construction of FERC Project Number 9248 in the State of Colorado, and for other purposes.

H.R. 2841. An act to extend the time required for the construction of a hydroelectric project.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 434. An act to provide for the conveyance of small parcels of land in the Carson National Forest and the Santa Fe National Forest, New Mexico, to the village of El Rito and the town of Jemez Springs, New Mexico.

H.R. 765. An act to ensure maintenance of a herd of wild horses in Cape Lookout National Seashore.

H.R. 3616. An act to authorize appropriations for fiscal year 1999 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

H.R. 4101. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1999, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 3616) "An Act to authorize appropriations for fiscal year 1999 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. THURMOND, Mr. WARNER, Mr. MCCAIN, Mr. COATS, Mr. SMITH of New Hampshire, Mr. KEMPTHORNE, Mr. INHOFE, Mr. SANTORUM, Ms. SNOWE, Mr. ROBERTS, Mr. LEVIN, Mr. KENNEDY, Mr. BINGAMAN, Mr. GLENN, Mr. BYRD, Mr. ROBB, Mr. LIEBERMAN, and Mr. CLELAND, to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 4101) "An Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1999, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. COCHRAN, Mr. SPECTER, Mr. BOND, Mr. GORTON, Mr. MCCONNELL, Mr. BURNS, Mr. STEVENS, Mr. BUMPERS, Mr. HARKIN, Mr. KOHL, Mr. LEAHY, Mrs. BOXER, and Mr. BYRD, to be the conferees on the part of the Senate.

The message also announced that the Senate passed bills and a concurrent resolution of the following titles, in which concurrence of the House is requested:

S. 638. An act to provide for the expeditious completion of the acquisition of private mineral interests within the Mount St. Helens National Volcanic Monument mandated by the 1982 Act that established the Monument, and for other purposes.

S. 1069. An act entitled the "National Discovery Trails Act of 1997".

S. 1132. An act to modify the boundaries of the Bandelier National Monument to include the lands within the headwaters of the Upper Alamo Watershed which drain into the Monument and which are not currently within the jurisdiction of a Federal land management agency, to authorize purchase or donation of those lands, and for other purposes.

S. 1403. An act to amend the National Historic Preservation Act for purposes of establishing a national historic lighthouse preservation program.

S. 1418. An act to promote the research, identification, assessment, exploration, and development of methane hydrate resources, and for other purposes.

S. 1510. An act to direct the Secretary of the Interior and the Secretary of Agriculture to convey certain lands to the county of Rio Arriba, New Mexico.

S. 1683. An act to transfer administrative jurisdiction over part of the Lake Chelan National Recreation Area from the Secretary of the Interior to the Secretary of Agriculture for inclusion in the Wenatchee National Forest.

S. 1695. An act to authorize the Secretary of the Interior to study the suitability and feasibility of designating the Sand Creek Massacre National Historic Sit in the State of Colorado as a unit of the National Park System, and for other purposes.

S. 1807. An act to transfer administrative jurisdiction over certain parcels of public domain land in Lake Country, Oregon, to facilitate management of the land, and for other purposes.

S. 2057. An act to authorize appropriations for fiscal year 1999 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

S. 2058. An act to authorize appropriations for fiscal year 1999 for defense activities of the Department of Energy, and for other purposes.

S. 2059. An act to authorize appropriations for fiscal year 1999 for military construction, and for other purposes.

S. 2060. An act to authorize appropriations for fiscal year 1999 for military activities of the Department of Defense to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

S. Con. Res. 105. Concurrent resolution expressing the sense of the Congress regarding the culpability of Slobodan Milosevic for war crimes, crimes against humanity, and genocide in the former Yugoslavia, and for other purposes.

THE PROPER ROLE OF THE GOVERNMENT

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, during this appropriations season here in Congress, we should all remember exactly why we are here and what promises we made to the American people. Those promises are to reduce the size and the scope and the power, especially the power, of the Federal Government over our lives.

Some people believe that government was solely created to correct the wrongs in people's lives. However, I think that is only half right. I look at the government's responsibility from a different perspective.

Over the last 40 years, government has shown that its one-size-fits-all approach rarely if ever solves problems, whether it is here in Washington or in my district in Nevada.

Government provides little opportunity to create wealth, and over the years has become very effective at taxing one person's wealth and giving it to another. Sure, government has a role to play in helping people who are truly in need by providing needed resources to State, county and local governments so they can create targeted local solutions to those in need.

I urge my fellow colleagues to remember that government must never become counterproductive or create unnecessary entitlement programs without proper responsibility.

AMERICA'S TRADE DEFICIT

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, America had a $15.7 billion record deficit in May. Billion. The formula says for every $1 billion in deficits, America loses 20,000 jobs. So in May, check the formula, America lost 314,000 jobs. These are not burger flippers or chicken skinners. These are manufacturing jobs, folks. It is getting so bad China

today has a 34 percent tariff on most American products. After all this, the White House by whatever name you want to call it once again wants most-favored-nation trade status for China. Unbelievable.

Who are the trade advisers at the White House, a bunch of proctologists, ladies and gentlemen? This is out of hand. Think about it. While Congress is debating campaign finance reform that was promulgated because of illegal Chinese contributions, the Chinese keep kicking our assets all the way to the bank. Beam me up. We need a proctologist.

KYOTO TREATY

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, the Kyoto treaty on climate change would have a crippling effect on the American economy. This fatally flawed agreement would kill millions of American jobs and diminish the standard of living in this country. Confronted by strong bipartisan opposition in both the House and the Senate, the Clinton administration has repeatedly assured Congress that it would not attempt to implement the Kyoto treaty until it has been ratified by the Senate. Now, despite this promise, there is strong evidence that the EPA has initiated and taken regulatory and other actions that are inconsistent with the administration assurances. This week, when the House considers the fiscal year 1999 VA–HUD bill, we will have the opportunity to ensure that the President keeps his word. This bill prohibits the EPA from using taxpayer dollars to issue rules or regulations to implement the Kyoto treaty until it has been ratified by the Senate. Mr. Speaker, I urge my colleagues to protect our economic interests by supporting the effort to stop the EPA from ramming the Kyoto treaty through the back door.

CAMPAIGN FINANCE REFORM

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, when are we going to address campaign finance reform? When are we going to talk about the way campaign finance works? Particularly when are we going to talk seriously about taking soft money out of campaigning?

Soft money disenfranchises the average person. The reason we do not have 80, 90 percent voter turnout is that the people of this country, particularly the young people, believe that they have not invested money in our campaigns, therefore, they do not think they should come to the polls. They do not have a voice.

That is wrong, Mr. Speaker. We have to address campaign finance reform, we have to do away with soft money, and we have to get everybody in this country that is eligible to vote.

ON WOMEN'S HEALTH

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, I come to the floor today in the name of the Bipartisan Women's Caucus to thank the House for the vote last Thursday to cover contraceptive prescriptions for Federal employees, the pill, the diaphragm, intrauterine devices, Norplant and Depo-Provera. Some plans covered no contraceptive prescriptions. None of these prescriptions promote abortions. All preserve women's health.

Without contraception, of course, abortions are promoted, and some of these devices in fact lead to abortions because they are not as effective as others. That is why women need these choices, at least these choices when deciding something as central to their health as preventing abortions and deciding whether or not to bear a child. Every woman has had some contraceptive device that does not work for her. With this bill, we have passed one of the most significant women's health bills in many years.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules but not before 5 p.m. today.

CHILD NUTRITION AND WIC REAUTHORIZATION AMENDMENTS OF 1998

Mr. GOODLING. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3874) to amend the Child Nutrition Act of 1966 to make improvements to the special supplemental nutrition program for women, infants, and children and to extend the authority of that program through fiscal year 2003, as amended.

The Clerk read as follows:

H.R. 3874

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Child Nutrition and WIC Reauthorization Amendments of 1998".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

SEC. 2. EFFECTIVE DATE.

This Act, and the amendments made by this Act, shall take effect on October 1, 1998, or the date of the enactment of this Act, whichever occurs later.

TITLE I—AMENDMENTS TO THE NATIONAL SCHOOL LUNCH ACT

SEC. 101. PROVISION OF COMMODITIES.

Section 6 of the National School Lunch Act (42 U.S.C. 1755) is amended—

(1) in subsection (b), by striking "authorized under subsection (c)" and inserting "required under subsections (c) and (e)";

(2) by striking subsections (c) and (d); and

(3) by redesignating subsections (e), (f), and (g) as subsections (c), (d), and (e), respectively.

SEC. 102. NUTRITIONAL AND OTHER PROGRAM REQUIREMENTS.

(a) STATE OR LOCAL HEALTH AND SAFETY INSPECTIONS.—Section 9 of the National School Lunch Act (42 U.S.C. 1758) is amended by adding at the end the following:

"(h) If the food service operations of a school participating in the school lunch program under this Act or the school breakfast program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) are not required by State or local law to undergo health and safety inspections, then the school shall twice during each school year obtain State or local health and safety inspections to ensure that meals provided under such programs are prepared and served in a healthful and safe environment.".

(b) SINGLE PERMANENT AGREEMENTS BETWEEN STATE AGENCIES AND SCHOOL FOOD AUTHORITIES; COMMON CLAIMING PROCEDURES.—Section 9 of such Act (42 U.S.C. 1758), as amended by this Act, is further amended by adding at the end the following:

"(i)(1) If a single State agency administers the school lunch program under this Act, the school breakfast program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773), the summer food service program for children under section 13 of this Act, or the child and adult care food program under section 17 of this Act, then such agency—

"(A) shall require each school food authority to submit a single agreement with respect to the operation of such programs by such authority; and

"(B) shall require a common claiming procedure with respect to meals and supplements served under such programs.

"(2) The agreement described in paragraph (1)(A) shall be a permanent agreement that may be amended as necessary.".

SEC. 103. SPECIAL ASSISTANCE.

(a) SCHOOL ELIGIBILITY REQUIREMENTS FOR PAYMENTS.—Section 11(a)(1) of the National School Lunch Act (42 U.S.C. 1759a(a)(1)) is amended—

(1) in subparagraph (C)—

(A) in clause (i)(I), by striking "3 successive school years" each place it appears and inserting "4 successive school years"; and

(B) in clauses (ii) and (iii), by striking "3-school-year period" each place it appears and inserting "4-school-year period"; and

(2) in subparagraph (D)—

(A) in clause (i)—

(i) by striking "3-school-year period" each place it appears and inserting "4-school-year period"; and

(ii) by striking "2 school years" and inserting "4 school years";

(B) in clause (ii)—

(i) by striking the first sentence; and

(ii) by striking "5-school-year period" each place it appears and inserting "4-school-year period"; and

(C) in clause (iii), by striking "5-school-year period" and inserting "4-school-year period".

(b) ADJUSTMENTS TO PAYMENT RATES.—

(1) IN GENERAL.—Section 11(a)(3)(B) of such Act (42 U.S.C. 1759a(a)(3)(B)) is amended—

(A) in the first sentence, by striking "The annual" and inserting "(i) The annual";

(B) in the third sentence—

(i) by striking "The adjustments" and inserting the following:

"(ii) The adjustments"; and

(ii) by inserting "through April 30, 1999," after "under this paragraph"; and

(iii) by adding at the end the following:

"(iii) For the period beginning on May 1, 1999, and ending on June 30, 1999, the national average payment rates for meals and supplements shall be adjusted to the nearest lower cent increment and shall be based on the unrounded amounts used to calculate the rates in effect on July 1, 1998.

"(iv) For July 1, 1999, and each subsequent July 1, the national average payment rates for meals and supplements shall be adjusted to the nearest lower cent increment and shall be based on the unrounded amount for the preceding 12-month period.".

(2) CONFORMING AMENDMENTS.—Section 4(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(b)) is amended—

(1) in the second sentence of paragraph (1)(B), by striking "adjusted to the nearest one-fourth cent,"; and

(2) in paragraph (2)(B)(ii), by striking "to the nearest one-fourth cent".

SEC. 104. MISCELLANEOUS PROVISIONS AND DEFINITIONS.

(a) ADJUSTMENTS TO REIMBURSEMENT RATES FOR CERTAIN STATES AND TERRITORIES.—Section 12(f) of the National School Lunch Act (42 U.S.C. 1760(f)) is amended—

(1) by striking "school breakfasts and lunches" and inserting "breakfasts, lunches, suppers, and supplements";

(2) by striking "sections 4 and 11" and inserting "sections 4, 11, 13, and 17"; and

(3) by striking "lunches and breakfasts" each place it appears and inserting "meals".

(b) BUY AMERICAN REQUIREMENT.—Section 12 of the National School Lunch Act (42 U.S.C. 1760) is amended by adding at the end the following:

"(n) BUY AMERICAN REQUIREMENT.—

"(1) IN GENERAL.—For purposes of providing meals under the school lunch program under this Act or the school breakfast program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773), the Secretary shall require schools located in the contiguous United States to purchase, to the extent practicable, only food products that are produced in the United States.

"(2) ADDITIONAL REQUIREMENT.—The requirement of paragraph (1) shall also apply to recipient agencies in Hawaii only with respect to food products that are grown in Hawaii in sufficient quantities to meet the needs of meals provided under the school lunch program under this Act or the school breakfast program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773).

"(3) DEFINITION.—As used in this subsection, the term 'food products that are produced in the United States' means—

"(A) unmanufactured food products that are grown or produced in the United States; and

"(B) manufactured food products that are manufactured in the United States substantially from agricultural products grown or produced in the United States.".

SEC. 105. SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.

(a) DEFINITION OF PRIVATE NONPROFIT ORGANIZATIONS.—Section 13(a)(7)(B) of the National School Lunch Act (42 U.S.C. 1761(a)(7)(B)) is amended—

(1) in clause (i), to read as follows:

"(i) operate not more than 25 sites, with not more than 300 children being served at any one site (or, with a waiver granted by the State agency under standards developed by the Secretary, not more than 500 children being served at any one site);";

(2) by striking clauses (ii) and (iii); and

(3) by redesignating clauses (iv), (v), (vi), and (vii) as clauses (ii), (iii), (iv), and (v), respectively.

(b) OFFER VERSUS SERVE.—Section 13(f)(7) of such Act (42 U.S.C. 1761(f)(7)) is amended in the first sentence by striking "attending a site on school premises operated directly by the authority".

(c) FOOD SERVICE MANAGEMENT COMPANIES.—

(1) CONTRACTING FOR PROVISION OF MEALS OR MANAGEMENT OF PROGRAM.—Section 13(l)(1) of such Act (42 U.S.C. 1761(l)(1)) is amended—

(A) in the first sentence—

(i) by striking "(other than private nonprofit organizations eligible under subsection (a)(7))"; and

(ii) by striking "only with food service management companies registered with the State in which they operate" and inserting "with food service management companies"; and

(B) by striking the last sentence.

(2) REGISTRATION.—Section 13(l)(2) of such Act (42 U.S.C. 1761(l)(2)) is amended—

(A) in the first sentence of the matter preceding subparagraph (A), by striking "shall" and inserting "may"; and

(B) by striking all after the first sentence.

(3) OTHER PROVISIONS.—Section 13(l) of such Act (42 U.S.C. 1761(l)) is amended—

(A) by striking paragraph (3); and

(B) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(d) REAUTHORIZATION OF PROGRAM.—Section 13(q) of such Act (42 U.S.C. 1761(q)) is amended by striking "1998" and inserting "2003".

SEC. 106. COMMODITY DISTRIBUTION PROGRAM.

Section 14(a) of the National School Lunch Act (42 U.S.C. 1762a(a)) is amended in the matter preceding paragraph (1) by striking "1998" and inserting "2003".-

SEC. 107. CHILD AND ADULT CARE FOOD PROGRAM.

(a) ELIGIBILITY OF INSTITUTIONS.—Section 17(a)(1) of the National School Lunch Act (42 U.S.C. 1766(a)(1)) is amended to read as follows:

"(1) an institution (except a school or family or group day care home sponsoring organization) or family or group day care home—

"(A)(i) shall be licensed, or otherwise have approval, by the appropriate Federal, State, or local licensing authority; or

"(ii) shall be in compliance with appropriate procedures for renewing participation in the program, as prescribed by the Secretary, unless the State has information indicating that the institution or family or group day care home's license will not be renewed;

"(B) if Federal, State, or local licensing or approval is not available——

"(i) shall meet any alternate approval standards established by the appropriate State or local governmental agency; or

"(ii) shall meet any alternate approval standards established by the Secretary after consultation with the Secretary of Health and Human Services; or

"(C) if the institution provides care to school children outside of school hours and Federal, State, or local licensing or approval is not required for such institution, shall meet State or local health and safety standards; and".

(b) CATEGORICAL ELIGIBILITY FOR EVEN START PROGRAM PARTICIPANTS.—Section 17(c)(6)(B) of such Act (42 U.S.C. 1766(c)(6)(B)) is amended by striking "1997" and inserting "2003".

(c) TAX EXEMPT STATUS OF ELIGIBLE INSTITUTIONS; REMOVAL OF NOTIFICATION REQUIREMENT FOR INCOMPLETE APPLICATIONS.—Section 17(d)(1) of such Act (42 U.S.C. 1766(d)(1)) is amended—

(1) by inserting after the third sentence the following: "An institution moving toward compliance with the requirement for tax exempt status shall be allowed to participate in the program for a period of not more than 6 months unless it can demonstrate to the satisfaction of the State agency that its inability to obtain tax exempt status within the 6-month period is beyond the control of the institution in which case the State agency may grant a single extension not to exceed 90 days."; and

(2) by striking the last sentence.

(d) USE OF FUNDS FOR AUDITS OF PARTICIPATING INSTITUTIONS.—Section 17(i) of such Act (42 U.S.C. 1766(i)) is amended by striking "2 percent" and inserting "1 percent".

(e) PERMANENT AUTHORIZATION OF DEMONSTRATION PROJECT.—Section 17(p) of such Act (42 U.S.C. 1766(p)) is amended by striking paragraphs (4) and (5).

(f) TRANSFER OF HOMELESS PROGRAMS.—

(1) IN GENERAL.—Section 17 of such Act (42 U.S.C. 1766) is amended by adding at the end the following:

"(q) PARTICIPATION BY EMERGENCY SHELTERS.—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, an emergency shelter shall be eligible to participate in the program authorized under this section in accordance with the terms and conditions applicable to eligible institutions described in subsection (a).

"(2) LICENSING REQUIREMENTS.—The licensing requirements contained in subsection

(a)(1) shall not apply to emergency shelters or sites operated by such shelters under the program.

"(3) ADDITIONAL REQUIREMENTS.—

"(A) HEALTH AND SAFETY STANDARDS.—An emergency shelter and each site operated by such shelter shall comply with State or local health and safety standards.

"(B) MEAL REIMBURSEMENT.—

"(i) LIMITATION.—An emergency shelter may claim reimbursement—

"(I) only for meals and supplements served to children who have not attained the age of 13 and who are residing at an emergency shelter; and

"(II) for not more than 3 meals, or 2 meals and a supplement, per child per day.

"(ii) RATE.—A meal or supplement eligible for reimbursement shall be reimbursed at the rate at which free meals and supplements are reimbursed under subsection (c).

"(iii) NO CHARGE.—A meal or supplement claimed for reimbursement shall be served without charge.

"(4) DEFINITION OF EMERGENCY SHELTER.—As used in this subsection, the term 'emergency shelter' has the meaning given such term in section 321(2) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11351(2)).".

(2) CONFORMING AMENDMENTS.—(A) Section 13(a)(3)(C) of such Act (42 U.S.C. 1761(a)(3)(C)) is amended—

(i) in clause (i), by adding "or" at the end;

(ii) by striking clause (ii); and

(iii) by redesignating clause (iii) as clause (ii).

(B) Section 17B of such Act (42 U.S.C. 1766b) is hereby repealed.

(g) PARTICIPATION BY "AT RISK" CHILD CARE PROGRAMS.—Section 17 of such Act (42 U.S.C. 1766), as amended by this Act, is further amended by adding at the end the following:

"(r) 'AT RISK' CHILD CARE.—

"(1) IN GENERAL.—Subject to the conditions in this subsection, institutions that provide care to at risk school children during afterschool hours, weekends, or holidays during the regular school year may participate in the program authorized under this section. Unless otherwise specified in this subsection, all other provisions of this section shall apply to these institutions.

"(2) AT RISK SCHOOL CHILDREN.—Children ages 12 through 18 who live in a geographical area served by a school enrolling elementary students in which at least 50 percent of the total number of children enrolled are certified eligible to receive free or reduced price school meals under this Act or the Child Nutrition Act of 1966 shall be considered at risk.

"(3) SUPPLEMENT REIMBURSEMENT.—

"(A) LIMITATION.—Only supplements served to at risk school children during after-school hours, weekends, or holidays during the regular school year may be claimed for reimbursement. Institutions may claim reimbursement for only one supplement per child per day.

"(B) RATE.—Eligible supplements shall be reimbursed at the rate for free supplements under subsection (c)(3).

"(C) NO CHARGE.—All supplements claimed for reimbursement shall be served without charge.".

SEC. 108. MEAL SUPPLEMENTS FOR CHILDREN IN AFTERSCHOOL CARE.

Section 17A of the National School Lunch Act (42 U.S.C. 1766a) is amended—

(1) in subsection (a)(2)(C) to read as follows:

"(C) operate afterschool programs with an educational or enrichment purpose."; and

(2) in subsection (b), by striking "served to children" and all that follows and inserting "served to children who are not more than 18 years of age.".

SEC. 109. UNIVERSAL FREE BREAKFAST PILOT PROJECTS.

Section 18(i) of the National School Lunch Act (42 U.S.C. 1769(i)) is amended to read as follows:

"(i) UNIVERSAL FREE BREAKFAST PILOT PROJECTS.—

"(1) IN GENERAL.—

"(A) GRANTS TO STATES.—(i) Subject to the availability of advance appropriations under paragraph (8), the Secretary shall make grants to not more than 5 States to conduct pilot projects in elementary schools under school food authorities located in each such State—

"(I) to reduce paperwork;

"(II) to simplify meal counting requirements; and

"(III) to make changes that will increase participation in the school breakfast program.

"(ii) The Secretary shall select States to receive grants under clause (i), and make grants to such States, in the first fiscal year for which appropriations are made to carry out this subsection.

"(B) GRANTS TO SCHOOL FOOD AUTHORITIES; DURATION OF PILOT PROJECTS.—(i)(I) A State receiving a grant under subparagraph (A) shall make grants to school food authorities to carry out the pilot projects described in such subparagraph.

"(II) The State shall select school food authorities to receive grants under clause (i), and make grants to such authorities, in the first fiscal year for which the State receives amounts under a grant.

"(ii) A school food authority receiving amounts under a grant to conduct a pilot project described in subparagraph (A) shall conduct such project for the 3-year period beginning in the first fiscal year in which the authority receives amounts under a grant from the State.

"(C) PARTICIPATION LIMITATION.—A school food authority conducting a pilot project under this paragraph shall ensure that some elementary schools under such authority do not participate in the pilot project.

"(2) WAIVER AUTHORITY.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary may waive the requirements of this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) relating to counting of meals, applications for eligibility, and related requirements that would preclude the Secretary from making a grant to conduct a pilot project under paragraph (1).

"(B) NON-WAIVABLE REQUIREMENTS.—The Secretary may not waive a requirement under subparagraph (A) if the waiver would prevent a program participant, a potential recipient, or a school from receiving all of the benefits and protections of this Act, the Child Nutrition Act of 1966, or a Federal statute or regulation that protects an individual constitutional right or a statutory civil right.

"(3) REQUIREMENTS FOR PARTICIPATION IN PILOT.—To be eligible to participate in a pilot project under this subsection—

"(A) a State—

"(i) shall submit an application to the Secretary at such time and in such manner as the Secretary shall establish; and

"(ii) shall provide such information relative to the operation and results of the pilot as the Secretary may reasonably require; and

"(B) a school food authority—

"(i) shall agree to serve all breakfasts at no charge to all children in participating elementary schools;

"(ii) shall not have a history of violations of this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.); and

"(iii) shall meet any other requirement that the Secretary may reasonably require.

"(4) SELECTION OF PILOT ELEMENTARY SCHOOLS.—To the extent practicable, a State shall select school food authorities to participate in the pilot program under this subsection in a manner that will provide for an equitable distribution among the following types of elementary schools:

"(A) Urban and rural elementary schools.

"(B) Elementary schools of varying family income levels.

"(5) REIMBURSEMENT RATES.—A school food authority conducting a pilot project under this subsection shall receive reimbursement for each breakfast served under the pilot in an amount equal to the rate for free breakfasts established under section 4(b)(1)(B) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(b)(1)(B)).

"(6) COMMODITY ENTITLEMENT.—A school food authority conducting a pilot project under this subsection shall receive commodities in the amount of at least 5 cents per breakfast served under the pilot. The value of such commodities shall be deducted from the amount of cash reimbursement described in paragraph (5).

"(7) EVALUATION OF PILOT PROJECT.—

"(A) IN GENERAL.—The Secretary, acting through the Administrator of the Food and Nutrition Service, shall conduct an evaluation of the pilot projects in each of the school food authorities selected for participation. Such evaluation shall include—

"(i) a determination of the effect of participation in the pilot project on the academic achievement, tardiness and attendance, and dietary intake of participating children that is not attributable to changes in educational policies and practices; and

"(ii) a determination of the effect that participation by elementary schools in the pilot projects has on the proportion of students who eat breakfast.

"(B) REPORT.—Upon completion of the pilot projects and the evaluation, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report containing the evaluation of the pilot required under subparagraph (A).

"(8) REIMBURSEMENT REQUIREMENT UNDER BREAKFAST PROGRAM.—(A) Except as provided in subparagraph (B), a school participating in a pilot project under this subsection shall receive a total Federal reimbursement under the school breakfast program in an amount equal to the total Federal reimbursement for the school in the prior year under such program (adjusted for inflation and fluctuations in enrollment).

"(B) Funds required for the pilot project in excess of the level of reimbursement received by the school in the prior year (adjusted for inflation and fluctuations in enrollment) may be taken from any non-Federal source or from amounts appropriated to carry out this subsection. If no appropriations are made for the pilot projects, schools may not conduct the pilot projects.

"(9) AUTHORIZATION OF APPROPRIATIONS.—

"(A) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

"(B) REQUIREMENT.—No amounts may be provided under this subsection unless specifically provided in appropriations Acts.".

SEC. 110. TRAINING AND TECHNICAL ASSISTANCE.

Section 21(e)(1) of the National School Lunch Act (42 U.S.C. 1769b–1(e)(1)) is amended by striking "1998" and inserting "2003".

SEC. 111. COMPLIANCE AND ACCOUNTABILITY.

Section 22(d) of the National School Lunch Act (42 U.S.C. 1769c(d)) is amended by striking "1996" and inserting "2003".

SEC. 112. INFORMATION CLEARINGHOUSE.

(a) AUTHORITY TO ESTABLISH AND MAINTAIN CLEARINGHOUSE.—Section 26(a) of the National School Lunch Act (42 U.S.C. 1769g(a)) is amended by striking "shall" and inserting "may".

(b) NONGOVERNMENTAL ORGANIZATION.—Section 26(b) of such Act (42 U.S.C. 1769g(b)) is amended in the matter preceding paragraph (1) by inserting after "shall be selected on a competitive basis" the following: ", except that, notwithstanding any other provision of law, the Secretary may enter into a contract for the services of any organization with which the Secretary has previously entered into a contract under this section without such organization competing for such new contract, if such organization has performed satisfactorily under such prior contract and otherwise meets the criteria established in this subsection,".

(c) LIMITATION ON AMOUNT PROVIDED UNDER THE CONTRACT.—Section 26 of such Act (42 U.S.C. 1769g) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

"(c) LIMITATION ON AMOUNT PROVIDED UNDER THE CONTRACT.—The Secretary may provide to the organization described in subsection (b) an amount not to exceed $150,000 in each of fiscal years 1999 through 2003.".

(d) FUNDING.—Section 26(e) of such Act (42 U.S.C. 1769g(e)) (as so redesignated) is amended to read as follows:

"(e) FUNDING.—

"(1) IN GENERAL.—There are authorized to be appropriated $150,000 for each of the fiscal years 1999 through 2003 to carry out this section.

"(2) REQUIREMENT.—No amounts may be provided for the clearinghouse under this section unless specifically provided in appropriations Acts.".

SEC. 113. ACCOMMODATION OF THE SPECIAL DIETARY NEEDS OF INDIVIDUALS WITH DISABILITIES.

Section 27 of the National School Lunch Act (42 U.S.C. 1769h) is amended to read as follows:

"SEC. 27. ACCOMMODATION OF THE SPECIAL DIETARY NEEDS OF INDIVIDUALS WITH DISABILITIES.

"(a) IN GENERAL.—The Secretary may carry out activities to help accommodate the special dietary needs of individuals with disabilities who are participating in a covered program. Such activities may include—

"(1) developing and disseminating to State agencies guidance and technical assistance materials;

"(2) conducting training of State agencies and eligible entities; and

"(3) providing grants to State agencies and eligible entities.

"(b) DEFINITIONS.—As used in this section:

"(1) INDIVIDUALS WITH DISABILITIES.—The term 'individuals with disabilities' has the meaning given the term 'individual with a disability' as defined in section 7(8) of the Rehabilitation Act of 1973 (29 U.S.C. 706(8)).

"(2) COVERED PROGRAM.—The term 'covered program' means—

"(A) the school lunch program authorized under this Act;

"(B) the school breakfast program authorized under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773); and

"(C) any other program authorized under this Act or the Child Nutrition Act of 1966 (except for section 17) that the Secretary determines is appropriate.

"(3) ELIGIBLE ENTITY.—The term 'eligible entity' means a school food authority, institution, or service institution that participates in a covered program.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1999 through 2003 to carry out this section.".

TITLE II—AMENDMENTS TO THE CHILD NUTRITION ACT OF 1966

SEC. 201. STATE ADMINISTRATIVE EXPENSES.

(a) REALLOCATION OF AMOUNTS.—Section 7(a)(5)(B) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(a)(5)(B)) is amended—

(1) by striking "(i)";

(2) by striking the second sentence and all that follows; and

(3) by adding at the end the following: "The Secretary shall then allocate, for purposes of administration costs, any remaining amounts among States that demonstrate a need for such amounts.".

(b) ELIMINATION OF 10 PERCENT TRANSFER LIMITATION.—Section 7(a)(6) of such Act (42 U.S.C. 1776(a)(6)) is amended to read as follows:

"(6) Funds available to States under this subsection and under section 13(k)(1) of the National School Lunch Act may be used by State agencies for the costs of administration of the programs authorized under this Act (except for the programs authorized under sections 17 and 21) and the National School Lunch Act without regard to the basis on which such funds were earned and allocated.".

(c) REAUTHORIZATION OF PROGRAM.—Section 7(g) of such Act (42 U.S.C. 1776(g)) is amended by striking "1998" and inserting "2003".

SEC. 202. SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN.

(a) ADDITIONAL REQUIREMENTS FOR APPLICANTS.—

(1) PHYSICAL PRESENCE REQUIREMENT.—Section 17(d)(3) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)(3)) is amended by adding at the end the following:

"(C)(i) Except as provided in clause (ii), each applicant to the program shall be physically present at each certification determination in order to determine eligibility under the program.

"(ii) A local agency may waive the requirement of clause (i)—

"(I) if required to do so by requirements under the Americans with Disabilities Act;

"(II) with respect to a child who was present at the initial certification visit and who is receiving on-going health care from a provider other than such local agency, if the agency determines that the requirement of clause (i) would present a barrier to participation; or

"(III) with respect to a child (aa) who was present at the initial certification visit, (bb) who was present at a certification determination within the 1-year period ending on the date of the certification determination described in clause (i), and (cc) who has one or more parents who work, if the agency determines that the requirement of clause (i) would cause a barrier to participation.".

(2) INCOME DOCUMENTATION REQUIREMENT.—Section 17(d)(3) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)(3)), as amended by paragraph (1), is further amended by adding at the end the following:

"(D)(i) Except as provided in clause (ii), in order to be eligible for the program, each applicant to the program shall provide—

"(I) documentation of household income; or

"(II) documentation of participation in a program described in clauses (ii) and (iii) of paragraph (2)(A).

"(ii)(I) A State agency may waive the requirement of clause (i)—

"(aa) with respect to an applicant for whom the necessary documentation is not available; or

"(bb) with respect to an applicant, such as homeless women or children, for whom the agency determines the requirement of clause (i) would present a barrier to participation.

"(II) The Secretary shall prescribe regulations to carry out division (aa).".

(b) EDUCATION AND EDUCATIONAL MATERIALS RELATING TO EFFECTS OF DRUG AND ALCOHOL USE.—Section 17(e)(1) of such Act (42 U.S.C. 1786(e)(1)) is amended by adding at the end the following: "A local agency participating in the program shall provide education or educational materials relating to the effects of drug and alcohol use by a pregnant, postpartum, or breastfeeding woman on the developing child of the woman.".

(c) DISTRIBUTION OF NUTRITION EDUCATION MATERIALS TO STATE AGENCIES ADMINISTERING THE COMMODITY SUPPLEMENTAL FOOD PROGRAM.—Section 17(e) of such Act (42 U.S.C. 1786(e)) is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(2) by inserting after paragraph (3) the following:

"(4) The Secretary may provide nutrition education materials, including breastfeeding promotion materials, developed with funds appropriated to carry out the program under this section in bulk quantity to State agencies administering the commodity supplemental food program authorized under sections 4(a) and 5 of the Agriculture and Consumer Protection Act of 1973 at no cost to that program.".

(d) IDENTIFICATION OF RECIPIENTS PARTICIPATING AT MORE THAN 1 SITE.—Section 17(f) of such Act (42 U.S.C. 1786(f)) is amended by adding at the end the following:

"(23) Each State agency shall implement a system designed to identify recipients who are participating at more than 1 site under the program.".

(e) IDENTIFICATION OF HIGH RISK VENDORS; COMPLIANCE INVESTIGATIONS.—

(1) IN GENERAL.—Section 17(f) of such Act (42 U.S.C. 1786(f)), as amended by this Act, is further amended by adding at the end the following:

"(24) Each State agency—

"(A) shall identify vendors that have a high probability of program abuse; and

"(B) shall conduct compliance investigations of such vendors.".

(2) REGULATIONS.—Not later than March 1, 1999, the Secretary of Agriculture shall promulgate final regulations to carry out section 17(f)(24) of such Act (42 U.S.C. 1786(f)(24)), as added by paragraph (1).

(f) REAUTHORIZATION OF PROGRAM.—Section 17(g)(1) of such Act (42 U.S.C. 1786(g)(1)) is amended in the first sentence by striking "1995 through 1998" and inserting "1999 through 2003".

(g) PURCHASE OF BREAST PUMPS.—Section 17(h)(1)(C) of such Act (42 U.S.C. 1786(h)(1)(C)) is amended—

(1) by striking "(C)" and inserting "(C)(i)"; and

(2) by adding at the end the following:

"(ii)(I) Notwithstanding any other provision of this section, with respect to fiscal year 2000 and subsequent fiscal years, a State agency may use amounts made available under clause (i) for the purchase of breast pumps.

"(II) A State agency that exercises the authority of subclause (I) shall expend from amounts allocated for nutrition services and administration an amount for the purchase of breast pumps that is not less than the amount expended for the purchase of breast pumps from amounts available for nutrition services and administration for the prior fiscal year.".

(h) NUTRITION SERVICES AND ADMINISTRATION.—

(1) ALLOCATION OF AMOUNTS.—Section 17(h)(2)(A) of such Act (42 U.S.C. 1786(h)(2)(A)) is amended in the first sentence by striking "1995 through 1998" and inserting "1999 through 2003".

(2) LEVEL OF PER PARTICIPANT EXPENDITURE.—Section 17(h)(2)(B)(ii) of such Act (42 U.S.C. 1786(h)(2)(B)(ii)) is amended by striking "15 percent" and inserting "10 percent (except that the Secretary may establish a higher percentage for small State agencies)".

(i) CONVERSION OF AMOUNTS FOR FOOD BENEFITS TO AMOUNTS FOR NUTRITION SERVICES AND ADMINISTRATION.—Section 17(h)(5)(A) of such Act (42 U.S.C. 1786(h)(5)(A)) is amended in the matter preceding clause (i) by striking "achieves" and all that follows through "such State agency may" and inserting "submits a plan to reduce average food costs per participant and to increase participation above the level estimated for such State agency, such State agency may, with the approval of the Secretary,".

(j) INFANT FORMULA PROCUREMENT.—Section 17(h)(8)(A) of such Act (42 U.S.C. 1786(h)(8)(A)) is amended by adding at the end the following:

"(iii) A State agency using a competitive bidding system for infant formula shall award contracts to the bidder offering the lowest net price unless the State agency demonstrates to the satisfaction of the Secretary that the weighted average retail price for different brands of infant formula in the State does not vary by more than five percent.".

(k) INFRASTRUCTURE AND BREASTFEEDING PROMOTION/SUPPORT ACTIVITIES.—Section 17(h)(10)(A) of such Act (42 U.S.C. 1786(h)(10)(A)) is amended by striking "For each of fiscal years 1995 through 1998," and inserting "For each fiscal year through 2003,".

(l) CONSIDERATION OF PRICE LEVELS OF RETAIL STORES FOR PARTICIPATION IN THE PROGRAM.—

(1) IN GENERAL.—Section 17(h) of such Act (42 U.S.C. 1786(h)) is amended by adding at the end the following:

"(11)(A) For the purpose of promoting efficiency and to contain costs under the program, a State agency shall, in selecting a retail store for participation in the program, take into consideration the prices that the store charges for foods under the program as compared to the prices that other stores charge for such foods.

"(B) The State agency shall establish procedures to insure that a retail store selected for participation in the program does not subsequently raise prices to levels that would otherwise make the store ineligible for selection in the program.".

(2) REGULATIONS.—Not later than March 1, 1999, the Secretary of Agriculture shall promulgate final regulations to carry out section 17(h)(11)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(11)(A)), as added by paragraph (1).

(m) MANAGEMENT INFORMATION SYSTEM PLAN.—Section 17(h) of such Act (42 U.S.C. 1786(h)), as amended by this Act, is further amended by adding at the end the following:

"(12)(A) In consultation with State agencies, retailers, and other interested persons, the Secretary shall establish a long range plan for the development and implementation of management information systems (including electronic benefit transfers) to be used in carrying out the program.

"(B) Not later than 2 years after the date of the enactment of this paragraph, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on actions taken to carry out subparagraph (A).

"(C) Prior to the date of the submission of the report of the Secretary required under subparagraph (B), the cost of systems or equipment that may be required to test management information systems (including electronic benefit transfers) for the program may not be imposed on a retail food store.".

(n) USE OF FUNDS IN PRECEDING AND SUBSEQUENT FISCAL YEARS.—

(1) IN GENERAL.—Clauses (i) and (ii) of section 17(i)(3)(A) of such Act (42 U.S.C. 1786(i)(3)(A)(i) and (ii)) are amended to read as follows:

"(i) not more than 1 percent (except as provided in subparagraph (C)) of the amount of funds allocated to a State agency under this section for supplemental foods for a fiscal year, and not more than 1 percent of the amount of funds allocated to a State agency under this section for nutrition services and administration for a fiscal year, may be expended by the State agency for allowable expenses incurred under this section for supplemental foods and nutrition services and administration, respectively, during the preceding fiscal year; and

"(ii)(I) a State agency may expend, from amounts allocated to the agency for nutrition services and administration, an amount equal to not more than 1 percent of the total amount of funds allocated to the agency under this section for a fiscal year for allowable expenses incurred under this section for nutrition services and administration during the subsequent fiscal year; and

"(II) with the prior approval of the Secretary, a State agency may expend, from amounts allocated to the agency for nutrition services and administration, an amount equal to not more than one-half of 1 percent of the total amount of funds allocated to the agency under this section for a fiscal year for the development of a management information system, including an electronic benefit transfer system, during the subsequent fiscal year.".

(2) CONFORMING AMENDMENTS.—Section 17 of such Act (42 U.S.C. 1786) is amended—

(A) in subsection (h)(10)(A) (as amended by this Act), by inserting after "nutrition services and administration funds" the following: "and food benefit funds"; and

(B) in subsection (i)(3)—

(i) by striking subparagraphs (C) through (G); and

(ii) by redesignating subparagraph (H) as subparagraph (C).

(o) FARMERS MARKET NUTRITION PROGRAM.—

(1) MATCHING FUND REQUIREMENT.—Section 17(m)(3) of such Act (42 U.S.C. 1786(m)(3)) is amended in both the first and second sentences by striking "total" each place it appears and inserting "administrative".

(2) RANKING CRITERIA FOR STATE PLANS.—Section 17(m)(6) of such Act (42 U.S.C. 1786(m)(6)) is amended—

(A) by striking subparagraph (F); and

(B) by redesignating subparagraph (G) as subparagraph (F).

(3) REAUTHORIZATION OF PROGRAM.—Section 17(m)(9)(A) of such Act (42 U.S.C. 1786(m)(9)(A)) is amended by striking "1996 through 1998" and inserting "1999 through 2003".

(p) DISQUALIFICATION OF CERTAIN VENDORS.—

(1) IN GENERAL.—Section 17 of such Act (42 U.S.C. 1786) is amended by adding at the end the following:

"(o) DISQUALIFICATION OF VENDORS CONVICTED OF TRAFFICKING OR ILLEGAL SALES.—

"(1) IN GENERAL.—Except as provided in paragraph (5), the State agency shall permanently disqualify a vendor convicted of trafficking in food instruments (including any voucher, draft, check, or access device, including an electronic benefit transfer card or personal identification number, issued in lieu of a food instrument pursuant to the provisions of this section), or selling firearms, ammunition, explosives, or controlled substances (as defined in section 102 of the Controlled Substances Act) in exchange for food instruments.

"(2) NOTICE OF DISQUALIFICATION.—The State agency shall provide the vendor with notification of the disqualification and shall make such disqualification effective on the date of receipt of the notice of disqualification.

"(3) PROHIBITION ON RECEIPT OF LOST REVENUES.—A vendor shall not be entitled to receive any compensation for revenues lost as a result of the disqualification under this subsection.

"(4) HARDSHIP EXCEPTION IN LIEU OF DISQUALIFICATION.—

"(A) IN GENERAL.— A State agency may permit a vendor that would otherwise be disqualified under paragraph (1) to continue to redeem food instruments or otherwise provide supplemental foods to participants if the State agency determines, in its sole discretion according to criteria established by the Secretary, disqualification of the vendor would cause hardship to participants in the program authorized under this section.

"(B) CIVIL MONEY PENALTY.—Whenever a State agency authorizes a vendor that would otherwise be disqualified to redeem food instruments or provide supplemental foods in accordance with subparagraph (A), the State agency shall assess the vendor a civil money penalty in lieu of a disqualification.

"(C) AMOUNT.— The State agency shall determine the amount of the civil penalty according to criteria established by the Secretary.".

(2) REGULATIONS.—

(A) IN GENERAL.—Not later than March 1, 1999, the Secretary of Agriculture shall promulgate final regulations to carry out section 17(o) of such Act (42 U.S.C. 1786(o)), as added by paragraph (1).

(B) ADDITIONAL REQUIREMENT.—The final regulations described in subparagraph (A) shall include criteria for determining the amount of civil money penalties in lieu of disqualification and for making hardship determinations under such section.

(q) STUDY AND REPORT BY ECONOMIC RESEARCH SERVICE.—Section 17 of such Act (42 U.S.C. 1786), as amended by this Act, is further amended by adding at the end the following:

"(p) STUDY AND REPORT BY ECONOMIC RESEARCH SERVICE.—

"(1) STUDY.—The Secretary, acting through the Administrator of the Economic Research Service, shall conduct a study on the effect of cost containment practices established by States under the program for the selection of vendors and approved food items (other than infant formula) on the following:

"(A) Program participation.

"(B) Access and availability of prescribed foods.

"(C) Voucher redemption rates and actual food selections by participants.

"(D) Participants on special diets or with specific food allergies.

"(E) Participant use and satisfaction of prescribed foods.

"(F) Achievement of positive health outcomes.

"(G) Program costs.

"(2) REPORT.—Not later than 3 years after the date of the enactment of the Child Nutrition and WIC Reauthorization Amendments of 1998, the Administrator shall submit to the Secretary of Agriculture, the Committee on Education and the Workforce of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report containing the results of the study conducted under paragraph (1).".

(r) COLLECTION AND USE OF PENALTIES FROM VENDOR AND RECIPIENT FRAUD AND ABUSE.—Section 17 of such Act (42 U.S.C. 1786), as amended by this Act, is further amended by adding at the end the following:

"(q) USE OF PENALTIES FROM VENDOR AND RECIPIENT FRAUD AND ABUSE.—Amounts collected from penalties from vendors and recipients relating to violations of any provision of this section (including any regulation established to carry out this section) for fraud and abuse under the program may be used for nutrition services and administration and food benefits only for the 1-year period beginning on the date on which amounts under the penalty are received.".

(s) MAXIMUM AMOUNT OF FINE FOR CERTAIN VIOLATIONS UNDER THE PROGRAM.—Section 17 of such Act (42 U.S.C. 1786), as amended by this Act, is further amended by adding at the end the following:

"(r) MAXIMUM AMOUNT OF FINE FOR CERTAIN VIOLATIONS UNDER THE PROGRAM.—The maximum amount of a fine with respect to the embezzlement, willful misapplication, stealing, obtaining by fraud, or trafficking in food instruments of funds, assets, or property that are of a value of $100 or more under the program shall be $25,000.".

(t) CRIMINAL FORFEITURE.—Section 17 of such Act (42 U.S.C. 1786), as amended by this Act, is further amended by adding at the end the following:

"(s) CRIMINAL FORFEITURE.—

"(1) IN GENERAL.—In imposing a sentence on a person convicted of an offense in violation of any provision of this section (or any regulation promulgated under this section), a court shall order, in addition to any other sentence imposed under this section, that the person forfeit to the United States all property described in paragraph (2).

"(2) PROPERTY SUBJECT TO FORFEITURE.—All property, real and personal, used in a transaction or attempted transaction, to commit, or to facilitate the commission of, a violation (other than a misdemeanor) of any provision of this section (or any regulation promulgated under this section), or proceeds traceable to a violation of any provision of this section (or any regulation promulgated under this section), shall be subject to forfeiture to the United States under paragraph (1).

"(3) INTEREST OF OWNER.—No interest in property shall be forfeited under this subsection as the result of any act or omission established by the owner of the interest to have been committed or omitted without the knowledge or consent of the owner.

"(4) PROCEEDS.—The proceeds from any sale of forfeited property and any monies forfeited under this subsection shall be used—

"(A) first, to reimburse the Department of Justice for the costs incurred by the Department to initiate and complete the forfeiture proceeding;

"(B) second, to reimburse the Department of Agriculture Office of Inspector General for any costs the Office incurred in the law enforcement effort resulting in the forfeiture;

"(C) third, to reimburse any Federal or State law enforcement agency for any costs incurred in the law enforcement effort resulting in the forfeiture; and

"(D) fourth, by the State agency to carry out the approval, reauthorization, and compliance investigations of vendors.".

SEC. 203. NUTRITION EDUCATION AND TRAINING PROGRAM.

Section 19(i) of the Child Nutrition Act of 1966 (42 U.S.C. 1788(i)) is amended—

(1) by striking paragraphs (1) and (2);

(2) by redesignating paragraphs (3), (4), and (5) as paragraphs (1), (2), and (3), respectively; and

(3) in paragraph (1) (as redesignated)—

(A) in the paragraph heading, by striking "1997 THROUGH 2002" and inserting "1999 THROUGH 2003"; and

(B) by amending subparagraph (A) to read as follows:

"(A) IN GENERAL.—There are authorized to be appropriated to carry out this section such sums as are necessary for fiscal years 1999 through 2003.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from California (Mr. MARTINEZ) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 3874, the Child Nutrition and WIC Reauthorization Amendments of 1998. This bill makes important changes to our Nation's vital child nutrition programs. Members who have worked with me during my years in Congress know that I consider these to be some of the most important programs serving our Nation's children. My support of these programs comes primarily from my years as an educator where I learned firsthand that children who did not consume nutritious meals did not perform very well in school.

I am most pleased that this year we have been able to work in a bipartisan manner with USDA and the nutrition community to craft the legislation before us. We need to work together to ensure our Federal child nutrition programs are effective in providing nutritious meals to participants while increasing accountability and effectiveness.

There is no new spending in this bill. Every new cost provision has an offset. The bill before us today strives to maintain program integrity by fighting fraud and abuse in the WIC program. The Committee on Appropriations has identified problems within the WIC program that this bill addresses. The WIC program has helped improve the health of pregnant women and of infants and children. It has made tremendous strides in reducing the number of low birth weight babies and birth defects caused by poor nutrition. Addressing issues of fraud and abuse will only help ensure that program dollars provide important nutrition services to participants while not being wasted on individuals who illegally benefit from the program.

The bill also makes numerous changes to nutrition programs that provide greater flexibility to States and local providers. I understand the burden placed on schools operating multiple nutrition programs.

I believe some of the most important flexibility provisions contained in this bill are those that support a seamless nutrition program for schools operating a variety of child nutrition programs. These provisions allow schools currently offering meals under the School Lunch Program, School Breakfast Program, Child and Adult Care Food Program and the Summer Food Service Program to apply for a single monthly claim for all meals using a single, common claiming procedure; to have meal patterns be consistent throughout all meal programs, including current offer versus serve rules; and to have a single permanent agreement between school food authorities and the States' Departments of Education.

Another important provision seeks to address problems of juvenile crime by providing a snack to children participating in afterschool programs, with an educational or enrichment purpose, keeping them at the school rather than on the streets.

Over the past few years, I have sought to make our Nation's child nutrition programs more effective in providing important nutrition services to children. Our main goals must remain to provide nutritious meals to children and their families and to allow those closest to the children the flexibility to determine how to most effectively serve their needs. The bill embraces those principles and deserves our support.

I want to commend the gentleman from Delaware (Mr. CASTLE), who carried the load to a great degree in the subcommittee; the gentleman from California (Mr. RIGGS), the chairman of

the subcommittee; the gentleman from California (Mr. MARTINEZ); and the gentlewoman from California (Ms. WOOLSEY), who knows a good bit about nutrition. When it comes to campaign finance, well, but nutrition, yes.

I urge my colleagues to support this important legislation.

Mr. Speaker, I reserve the balance of my time.

□ 1415

Ms. WOOLSEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3874 for the reauthorization of the child nutrition programs. I also rise to compliment the gentleman from Pennsylvania (Mr. GOODLING), the chairman, the gentleman from Delaware (Mr. CASTLE), the subcommittee chairman, and the gentleman from California (Mr. MARTINEZ), our ranking member, for a very positive effort.

This was a bipartisan effort that has resulted in a very good bill. This is a good bill that will benefit children in schools and children in child care facilities across America. I am pleased that it includes my pilot program for universal school breakfasts.

It also includes a provision from my bill to increase the number of schools that can participate in the Child and Adult Care Food Program and raise the age of students who are eligible for snacks in these programs.

The school breakfast pilot project will allow five elementary schools nationwide to make school breakfasts available to all of their students free of charge, not based on economic status, all students. We already have two studies which prove that children who eat breakfast improve both their grades and their classroom behavior.

But in today's world, where two working parents are the norm and long commutes are common, more and more families are out the door and on the road early in the morning with no time to sit down for breakfast. Whether we like it or not, many of these children arrive at school hungry. So, unless you want to pass a law requiring every family to feed their children breakfast before they go to school in the morning and then hire a bunch of breakfast police to enforce it, we need to look at schools and school breakfast programs in a different way.

Of course, I believe that this will be a better bill if, in the end, it includes the Senate's language on the school breakfast program. Both the Senate and the administration support a fully funded pilot program, so the House can, I hope, agree and defer in conference.

Mark my words, Mr. Speaker, the next time we reauthorize child nutrition programs, the legislation will include school breakfasts for all elementary school children, because I am confident that this pilot project will prove that school breakfast is not a welfare program. It is an education program.

I am also pleased that H.R. 3874 will make it easier for schools and community organizations to offer after-school programs to teenagers. This bill does this by raising the age of eligibility for after-school snacks from 13 to 18 years old, which makes it much more affordable to offer programs. We know that the vast majority of juvenile crime and teen pregnancies occur after the school bell rings and before the dinner bell rings. We desperately need more after-school programs for adolescents.

But feeding adolescents, even when it is just a snack, can be very expensive. H.R. 3874 will open the Child and Adult Care Food Program to low-income teens and to more after-school programs.

This is not "Twinkies for teens". The Police Athletic League and other law enforcement organizations have strongly endorsed the benefits of after-school programs for adolescents. H.R. 3874 will make more of these programs possible.

Before my enthusiasm causes any of my colleagues on the other side of the aisle to reconsider their support of this bill, thinking that it might be too generous, let me say that it certainly does not do everything that I would want it to do and everything that I think should be included. In particular, I hope that we can continue to work together to expand the Child and Adult Care Food Program to more low-income children, those who are in for-profit child care centers.

H.R. 3874 is a good bill. It is a bill that will benefit millions of children. Children are 25 percent of the population in America, but they are 100 percent of America's future. This bill is a sound investment in our children and our future. I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of the time.

Mr. GOODLING. Mr. Speaker, I yield such time he may consume to the gentleman from Delaware (Mr. CASTLE), who played a major role in crafting this legislation.

Mr. CASTLE. Mr. Speaker, the gentleman from Pennsylvania (Mr. GOODLING) has been, as he indicated and as many have told me, a long-time supporter of child nutrition programs for the entire time he has been in this Congress which has been a number of years now. I think all the country and all the children of the country should appreciate that.

I, too, rise in strong support of H.R. 3747, which is known as the Child Nutrition and WIC Reauthorization Amendments of 1998. I am pleased to state, as we have seen on the floor today, that this a bipartisan bill worked out over many long hours of negotiations with members on the committee, the nutrition community, and the United States Department of Agriculture. In fact, Shirley Watkins who heads this for the Department of Agriculture, wrote a letter to me saying: I appreciate you and your staff including the Department of Agriculture in the effort to enact an excellent child nutrition program. You have our commitment to work with you to expeditiously complete the enactment process. Thanks for your continued support.

Obviously, we would like to thank the gentleman from California (Mr. MARTINEZ), the gentlewoman from California (Ms. WOOLSEY), the gentleman from California (Mr. RIGGS), and their staffs for working with us to reach this bipartisan agreement on this legislation.

When we say bipartisan agreement, it is not quite that simple. I remember the gentleman from California (Mr. MARTINEZ) being across the table asking me rather hard questions, and the gentlewoman from California (Ms. WOOLSEY) and others, as a matter of fact, sort of coming at me with, can we not do more here or there? But it worked out in the long run, and that is what counts, and we appreciate all of their concern.

We know we have not addressed everyone's ultimate concerns, but I believe we do have a good bill that will go a long way towards improving our Nation's child nutrition programs by reducing red tape and bureaucracy, fighting and punishing fraud and abuse, giving program providers more flexibility, ensuring our Nation's children have access to healthy meals in school, in child care settings, in after-school programs and during the summer months, and providing low-income pregnant and postpartum women, their infants and young children access to nutritious foods.

Of great significance is the fact that we have been able to make these important changes and save money at the same time. This bill would save a total of $69 million over 5 years.

While this legislation contained numerous changes to Federal child nutrition programs, I would like to focus on what I consider to be the key provisions of the legislation.

The first provision deals with the provision of snacks to children in after-school care programs. I share the concerns of many Members of this body with respect to juvenile crime that occurs between the hours school ends and their parents return home from work. In fact, I just had a round table in Delaware about this just moments before I came down here. Beyond crime, unsupervised youth may be involved in other undesirable behaviors, such as using drugs and alcohol, smoking, or engaging in sexual activities.

Parents, schools, and communities throughout the United States are seeking solutions to this problem. Many

families would like their children to be involved in structured activities after school, but they simply cannot find affordable options.

In response, many schools and communities are setting up after-school programs with an education or enrichment program. H.R. 3874 supports these programs through amendments to two nutrition programs, allowing the provisions of snacks to children in after-school programs.

First, it amends the Child and Adult Care Food Program to assist organizations operating in high poverty areas to provide a snack to at-risk children through age 18 who are enrolled in after-school programs.

Second, it amends an after-school care program under the School Lunch Act to permit the provision of snacks to children through the age of 18 who are participating in after-school programs with an educational or enrichment purpose. I believe that these changes will contribute to ongoing efforts to reduce juvenile crime and drug and alcohol abuse and prevent teen pregnancy.

Another important provision in this legislation recognizes how hard private, nonprofit organizations have worked to overcome their past history of program abuse and operate quality summer food programs to provide meals to low-income children during the summer months when school is not in session. As a result, we lift remaining restrictions on their participation in this program.

Finally, we have modified the WIC program to provide greater flexibility to States and local providers in meeting the needs of program participants and to address concerns raised about fraud and abuse.

Antifraud provisions contained in this legislation include: disqualifying WIC vendors convicted of trafficking in WIC food instruments or the sale of firearms, ammunition, explosives, or drugs in exchange for WIC food instruments; requiring individuals to be physically present in order to be certified for the WIC program benefits; requiring WIC participants to have income documentation; requiring States to take into consideration the prices stores charge for WIC foods in relation to prices charged by other stores in making vendor selections.

It allows States to keep any collections and recoveries of improperly paid benefits for use no later than the Federal fiscal year following recovery. It raises the maximum fine for trafficking and other violations under WIC from $10,000 to $25,000.

Mr. Speaker, these are but a few of the highlights of the child nutrition bill we are considering today. This is a good bipartisan bill that will strengthen the child nutrition programs. I encourage my colleagues to support this important legislation.

Mr. MARTINEZ. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I rise in very, very strong support of this legislation to reauthorize WIC and make important changes, as was outlined by the gentleman from Delaware (Mr. CASTLE), in school nutrition programs.

It is a demonstrated fact, and I do not think anybody can contradict it, that those children who do not receive adequate nutrition in their early years will struggle throughout their lives.

We also know that hungry children cannot learn. The school lunch program was created actually to address the malnutrition of our Nation's soldiers. Staggering numbers of young men drafted to serve in World War II lacked the health and strength required to defend this country.

Today, we acknowledge that the education of our children is even more important for the future security of the United States, and thus we reaffirm our commitment to the child nutrition programs.

Perhaps the most crucial years for children to receive proper nutrition are from the time they are conceived through their preschool years. Recent studies have confirmed that significant growth occurs in early childhood, and if children lack the nutrition to develop fully, they will likely experience lifelong difficulties.

The special supplemental nutritional program for women, infants, and children, or WIC as it is better known, provides mothers with access to healthy foods and nutrition education when they are pregnant, and continues this assistance throughout the infancy and the early years of their children.

Once children are in school, the national School Breakfast and Lunch Program helps to ensure that children have the nutrition necessary to learn. It is only fitting that the effort to continue the Federal Government's dedication to the health of our children is and was bipartisan.

Throughout the years, Congress has united to strengthen these child nutrition programs by assessing the issues of meal standards, food safety, program eligibility, cost containment efforts, and accountability. The bill before us continues these efforts to enhance the nutrition programs while incorporating provisions to address the needs of today's children.

Many of these ideas were first articulated in the reauthorization legislation that was introduced by myself on behalf of the administration, H.R. 3666. In addition, the inclusion of many of the innovative changes in the legislation before us today was made possible by the tireless efforts of the gentlewoman from California (Ms. WOOLSEY) and the gentleman from Delaware (Mr. CASTLE).

Last year, the gentlewoman from California (Ms. WOOLSEY) introduced H.R. 3086, the Meals For Achievement Act, which called for the creation of universal breakfast program and the provision of nutrition support for after-school programs. I am proud to be an original cosponsor of that legislation. Through the diligence of the gentlewoman from California (Ms. WOOLSEY), these proposals are reflected now in H.R. 3874.

The importance of after-school programs to the safety of our children cannot be denied. A recent Justice Department study confirms that most juvenile crime is committed between 3 p.m. and 6 p.m. That is why helping communities increase the number of after-school programs is a priority of the Clinton Administration and many Members of this Congress.

H.R. 3874 expands the Child and Adult Care Food Program to enable schools and community organizations serving at-risk teenagers after school to provide healthy snacks. Thus, these after-school provisions furnish an added incentive to young people to get off the streets and into positive programs that help put them on the path to successful, healthy futures and enterprises.

I am equally pleased that we were able to work together to include in H.R. 3874 a universal breakfast pilot program. Children miss breakfast for a variety of reasons, but they all need to start the day with a nutritious meal in order to be ready to learn.

Of course, we can only be sure that the pilot will take place if it is a mandatory program. Unfortunately, the language in H.R. 3874 only authorizes discretionary funding.

The Senate committee, however, approved by unanimous vote legislation that will authorize a mandatory universal breakfast pilot. Recently, the administration strongly endorsed the Senate's language. It is my hope that in conference the House will recede to the Senate's position on this matter.

Thus, we can be certain that universal breakfast programs will proceed and ultimately affirm that providing breakfast for all children is a means to ensure education success in this country.

□ 1430

Before I close, I must also thank the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Delaware (Mr. CASTLE), who have worked so closely with this side of the aisle to fashion legislation that all Members can support and support proudly. I urge my colleagues to support its passage.

Mr. RIGGS. Mr. Speaker, I rise in strong support of H.R. 3874, the "Child Nutrition and WIC Reauthorization Amendments of 1998." This is a strong bipartisan bill that makes important changes to our nation's child nutrition programs.

While many Members contributed to this legislation, including Representative MARTINEZ,

I particularly thank Congressman MIKE CASTLE. He has performed a tremendous job in putting together this legislation.

Congressman CASTLE already has outlined many of the key provisions of this legislation. Let me focus on several key provisions.

As a former member of the House Committee on Appropriations I know the WIC program is being closely monitored. We took all possible steps necessary to insure the integrity of this program. In addition to the provisions outlined by Congressman CASTLE, I added three provisions to H.R. 3874 to help reduce fraud and abuse.

One provision would require State WIC agencies to design and implement systems to identify recipients who might be participating at more than one site. We need to guard against the potential for participation at multiple WIC sites.

State WIC agencies also would have to identify vendors that have a high probability of program abuse and follow up with compliance investigations. Right now WIC agency oversight of vendors varies considerably from State to State, but identification and investigation of high-risk vendors should be at least a minimum standard.

A criminal forfeiture amendment provides that those convicted of trafficking face forfeiture of property associated with the trafficking. This is now the rule for the Food Stamp program.

I also strongly support the afterschool care provisions included in this legislation. Last year, the House passed H.R. 1818, the Juvenile Crime Control and Delinquency Prevention Act of 1997. This legislation authorized a variety of activities aimed at preventing juvenile crime.

Several of the witnesses who appeared before our Committee on the issue of juvenile crime spoke about the need for high quality afterschool care programs to provide educational and enrichment activities for youth during the hours when they are most likely to engage in delinquent activities. This legislation would support afterschool programs through federal reimbursement for snacks in afterschool care programs operated by schools, which have an educational or enrichment purpose. It also would reimburse for free snacks for at-risk children ages 12–18 in afterschool programs in low-income areas through the Child and Adult Care Food Program.

Mr. Speaker, this bill also includes a variety of other provisions that streamline federal child nutrition programs and provide state and local providers additional flexibility in providing services to program participants. It is a good bill that deserves the support of all Members.

I encourage my Colleagues to support H.R. 3874.

Mr. PAUL. Mr. Speaker, Congress should reject H.R. 3874, a bill reauthorizing the Women's, Infant, and Children's (WIC) program and other childhood nutrition programs, and the flawed redistributionist, welfare state model that lies behind this bill. Although the goals of this legislation are noble, the means toward achieving the goals embodied therein are unconstitutional and ineffective.

Providing for the care of the poor is a moral responsibility of every citizen, however, it is not a proper function of the Federal Government to plunder one group of citizens and redistribute those funds to another group of citizens. Nowhere in the United States Constitution is the Federal Government authorized to provide welfare services. If any government must provide welfare services, it should be State and local governments. However, the most humane and efficient way to provide charitable services are through private efforts. Among their other virtues, private charities are much more likely to provide short-term assistance rather than fostering long-term dependency upon government programs.

Mr. Speaker, I know that you, and many of my colleagues, understand that private charities are also much better able to target assistance to the truly needy than government programs, which are burdened with bureaucratic rules of eligibility, as well as procedures designed to protect the "due process" rights of recipients, which cannot be adequately changed to meet unique individual circumstances. Thus, many people who are genuinely needy do not receive needed help. In fact, more than 40 percent of all families living below the poverty level receive no government assistance. Private charities can also be more effective because they do not have to fulfill administrative requirements, such as the WIC program's rebate system, which actually divert resources from the needy.

Private charities are also able to place an emphasis upon reformation of personal behavior while not imposing the controls on personal life that government programs, such as WIC, impose on the program recipients. When a pregnant woman signs up to receive WIC vouchers, she is trading away a large amount of her personal freedom. Her choices of where to shop will be restricted to WIC-approved vendors and her choice of what foods to buy will be restricted to those foods which match the WIC nutrition specifications. WIC recipients are also required to participate in WIC parenting and nutrition classes.

As an OB/GYN I certainly recognize the importance of proper nutrition for pregnant women and young children. However, as a constitutionalist, I strenuously object to the federal government coercing pregnant women into accepting such services and restricting their choices of food products. The founders of this country would be flabbergasted if they knew that the federal government had monopolized the provisions of charitable services to low-income women, but they would be horrified if they knew the federal government was forbidding poor women from purchasing Post Raisin Bran for their children because some federal bureaucrats had determined that it contains too much sugar!

Mr. Speaker, the fact that the manufacturers of foods such as Raisin Bran battle to get their products included in this program reveals the extent to which WIC is actually corporate welfare. Many corporations have made a tidy profit from helping to feed the poor and excluding their competitors in the process. For example, thanks to the WIC program, the federal government is the largest purchaser of infant formula in the nation.

According to the Congressional Research Service, food vendors participating in WIC received $9.86 billion in Fiscal Year 1997—75% of the total funds spent on the WIC program! This fiscal year, producers of food products approved by the federal government for purchase by WIC participants are expected to receive $10 billion in taxpayer dollars! Small wonder the lobbyists who came to my office to discuss WIC were not advocates for the poor, but rather well-healed spokespersons for corporate interests!

Any of my colleagues who doubt that these programs serve the interests of large corporations should consider that one of the most contentious issues debated at Committee mark-up was opposition to an attempt to allow USDA to purchase non-quota peanuts (currently the only peanuts available for sale are farmers who have a USDA quota; all other farmers are forbidden to sell peanuts in the U.S.) for school nutrition programs. Although this program would have saved the American taxpayers $5 million this year, the amendment was rejected at the behest of supporters of the peanut lobby. A member of my staff, who appropriately asked why this amendment could not pass with overwhelming support, was informed by a staffer for another member, who enthusiastically supports the welfare state, that the true purpose of this program is to benefit producers of food products, not feed children.

The main reason supporters of a free and moral society must oppose this bill is because federal welfare programs crowd out the more efficient private charities for two reasons. First, the taxes imposed on the American people in order to finance these programs leave taxpayers with fewer resources to devote to private charity. Secondly, the welfare state erodes the ethic of charitable responsibility as citizens view aiding the poor as the government's role, rather than a moral obligation of the individual.

The best way to help the poor is to dramatically cut taxes thus allowing individuals to devote more of their own resources to those charitable causes which better address genuine need. I am a cosponsor of H.R. 1338, which raises the charitable deduction and I believe Congress should make awakening the charitable impulses of the American people by reducing their tax burden one of its top priorities. In fact, Congress should seriously consider enacting a dollar-per-dollar tax credit for donations to the needy. This would do more to truly help the disadvantaged than a tenfold increase in spending on the programs in H.R. 3874.

In conclusion, Congress should reject H.R. 3874 because the programs contained therein lack constitutional foundation, allow the federal government to control the lives of program recipients, and serve as a means of transferring monies from the taxpayers to big corporations. Instead of funding programs, Congress should return responsibility for helping those in need to those best able to effectively provide assistance; the American people acting voluntarily.

Mr. KUCINICH. Mr. Speaker, I rise today in strong support of H.R. 3874, the Child Nutrition and WIC Reauthorization Amendments of 1998. This bill not only reauthorizes the expiring WIC, Summer Food Service, State Administrative Expenses, and Commodity Assistance programs, it also makes some important improvements to them. We've increased State's flexibility in administering these programs, expanded eligibility and services for afterschool

programs, and taken steps to reduce fraud in the WIC program. My colleagues have even managed to orchestrate a savings of $69 million over five years. This is a good bipartisan bill that will help millions of children, but I think it could have gone farther.

There is something missing from the bill that would increase participation in the Summer Food Service Program. This bill removes many barriers for sponsors of the program, thus encouraging more organizations to join. Because of expanded outreach efforts by state agencies and anti-hunger groups, many more small community-based organizations and private non-profit institutions are eager to provide summer food service programs.

However, many of these organizations lack the resources to purchase needed equipments such as milk coolers, ovens, microwaves, serving utensils, and food storage equipment. They also need funds to advertise and promote their programs. These one-time, non-recurring costs are often more than small organizations can handle.

Over 80% of children who are eligible for this program remain unserved by it. It's not because there isn't a need for more summer food sponsors, and it's not because these kids aren't hungry. The Second Harvest National Food Bank Network recently found, among those food banks reporting seasonal changes in requests for emergency food, nearly half report that requests for emergency food for children increase during the summer months when school is out.

In my district in Cleveland, for example, 63% of the local charities reported an increase in the number of children requesting emergency food assistance during the summer. Over half of the kids requesting emergency food received free or reduced price school meals and are eligible for participation in the summer food service program, but only 11.3% actually participate. During school, these low-income children receive up to ½ of their nutrients from school meals. During the summer, they do not have access to school breakfasts or lunches.

Offering sponsors a boost to help them get started would be a relatively inexpensive way, especially given the savings from the bill, to encourage more organizations to establish summer food service programs. A grant program to help defer the one-time costs associated with beginning a summer food program would allow more organizations to participate in low-income and rural areas that are typically underserved by this program.

I had hoped to work with my friends on the other side of the aisle to bring a grant program like this back to the Summer Food Service program before we brought this bill to the floor. And while it is not a particularly expensive concept and even though no one seems to be philosophically or ideologically opposed to the idea, we were unable to resolve the issue to include it in this bill. I think that is unfortunate for the millions of kids for whom summer vacation means hunger instead of fun.

I'd like to thank the Food Research and Action Center for their support and tireless efforts to increase the reach and scope of programs like Summer Food Service. And I encourage my colleagues to continue our work on this issue. I think there is a lot more we can do for these kids. The Summer Food Service Program is one of the least known and most underutilized of the federal nutrition programs. There is no reason for so many children to be hungry and under-nourished during the summer when we could increase participation in the program by offering one-time grants to help more sponsors get started.

Mr. BILIRAKIS. Mr. Speaker, I rise today to express my strong support for H.R. 3874, the Child Nutrition and WIC Reauthorization Amendments of 1998.

I have always been a strong supporter of WIC because it gives women and young children access to the foods necessary for healthy development. WIC provides specific nutritious foods to at-risk, income-eligible, pregnant, postpartum and breast feeding women, infants and children up to five years of age. WIC gives women and young children the means to obtain highly nutritious foods like iron-fortified infant formula, calcium-rich milk, eggs, juice, and cereal.

During pregnancy, one of the most fragile periods in a woman's life, WIC enhances dietary intake, which improves weight gain and the likelihood of a successful pregnancy. After birth, WIC continues to promote the health of infants and is responsible for reducing low birth weight and infant mortality. Children who participate in WIC receive immunizations against childhood diseases at a higher rate than children who are not WIC participants. WIC also helps to reduce anemia among children.

As we know, children receiving nutritious meals are in a better position to focus on their daily studies. Proper nutrition is an integral part of our children's educational experience. In fact, WIC has been linked to improved cognitive development among children. WIC children are more prepared to learn compared to those children who lack proper nutritionally balanced diets.

In short, WIC is supported by many people and continues to be a popular program. It yields tremendous returns on our investments and improves the health and well being of pregnant women, infants and children. I urge my colleagues to show their support for the WIC Program by voting in favor of H.R. 3874.

Ms. JACKSON-LEE of Texas. Mr. Speaker, thank you for the opportunity to speak on this important issue. I support this bill which will guarantee that families are able to access the food they need. In addition, this program will extend funding for state school lunch programs and provide low income families' children with a national food program.

H.R. 3874 reauthorizes this program through 2003 to allow the Women, Infants and Children (WIC) nutrition program to provide nutrition, education and supplemental food to low-income pregnant and post-partum women, infants and children up to age five. These necessary services are provided free of charge to eligible individuals and families. This bill also contains a number of other provisions including ones that extend funding for administration expenses for the State school lunch program and reauthorize a national summer food program for children of low income families.

In my own homestate of Texas, in the 18th Congressional District, a total of 109,596 women, infants and children receive WIC services each month. This means that in Harris County, TX 12,917 pregnant women, 5,259 breast feeding mothers, 9,448 postpartum mothers, who have recently given birth, and 29,934 infants, and 52,038 children can receive the help that they need. One-seventh of the State of Texas' 683,000 WIC recipients reside in Harris County, TX.

This program is not as glamorous as others—the WIC program is formula, milk, juice, and bread. The majority of those served are poor infants and children, those who are most often overlooked. To cut the WIC program does not materially reduce the numbers of women, infants and children who are in need. This program is one of the best run, most efficient and effective programs that the Federal Government has initiated.

According to the Government Accounting Office, for every dollar spent on the WIC program the taxpayer saves $3.50. This is the reason the WIC Program received very strong bi-partisan support throughout its history.

We must continue to support this program. What can be more important than making sure our country's children are healthy and safe? I strongly support this bill and I encourage my colleagues to support it as well.

Mr. MARTINEZ. Mr. Speaker, I yield back the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. GOODLING) that the House suspend the rules and pass the bill, H.R. 3874, as amended.

The question was taken.

Mr. GOODLING. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3874.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

SENSE OF CONGRESS REGARDING ACCESS TO AFFORDABLE HOUSING AND EXPANSION OF HOMEOWNERSHIP OPPORTUNITIES

Mr. LEACH. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 208) expressing the sense of the Congress regarding access to affordable housing and expansion of homeownership opportunities.

The Clerk read as follows:

H. CON. RES. 208

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) the priorities of our Nation should include providing access to affordable housing that is safe, clean, and healthy and expanding homeownership opportunities; and

(2) these goals should be pursued through policies that—

(A) promote the ability of the private sector to produce affordable housing without excessive government regulation;

(B) encourage tax incentives, such as the mortgage interest deduction, at all levels of government; and

(C) facilitate the availability of capital for homeownership and housing production, including by continuing the essential roles carried out by the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, and the Federal Home Loan Banks.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. LEACH) and the gentleman from Massachusetts (Mr. FRANK) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa (Mr. LEACH).

Mr. LEACH. Mr. Speaker, this, I believe, is a non-controversial bill. It underscores principles critical to the American family—the desirability of achieving the dream of homeownership for as many Americans as conceivably possible.

On this front, there is some good news, and also some challenging circumstances. The good news is that homeownership is going up in America, almost 1 percent in the last 4 years, until today it reaches approximately 66 percent of the American public. The principal reason for this relates to lower interest rates caused by restrained monetary policy and the movement from a deficit to a surplus fiscal policy.

It also relates to aspects of tax policy, the importance of quasi-governmental institutions like Fannie Mae and Freddie Mac that have served as extraordinarily helpful intermediaries in housing finance, and to certain housing programs of the Federal Government itself.

But what this bill, and it is a small bill, does is simply underscore what are the great principles of American housing, and underscore it in such a way as to make it clear that this Congress is not going to be backed down from those principles, particularly the principle that relates to the interest deduction for homeownership mortgage loans.

Mr. Speaker, recognizing that this is an exceptionally modest bill, but also one that relates to a subject very important to the heart of the American people, I would urge its adoption at this time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. MINGE).

Mr. MINGE. Mr. Speaker, I thank the gentleman from Massachusetts for yielding me time.

Mr. Speaker, I have faced repeated requests from communities that I represent for action at the Federal level to make sure that we have adequate affordable housing in this country. Indeed, I have held four forums on this subject in communities in my district. It is in this context that I have come to recognize the importance of these programs that the Federal Government has sponsored over the years, and, as a consequence, I rise in support of House Concurrent Resolution 208, introduced by my colleague the gentleman from New York (Mr. LAZIO).

All Americans should have an opportunity to obtain decent and affordable housing. However, the Nation's housing problems have increasingly been concentrated in two segments of the population, first time home buyers and low income households.

A much smaller portion of young households own their own homes today than they did in 1980. Shortages of housing resources for both downpayments and monthly mortgage payments are largely responsible for this trend.

Furthermore, growing numbers of less fortunate citizens are forced to spend a very large portion of relatively small budgets to rent apartments, and many of these housing units suffer from physical inadequacies as well. Homelessness can be a ragged-edge consequence of formidable social and housing hurdles faced by the most disadvantaged portions of our population.

Mr. Speaker, in order to attain our national housing goals, there is a need for a voice for housing in community development at the Federal level. We can take the first step today by voicing our support for this resolution.

Mr. LEACH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to briefly note that this bill is brought to us by the distinguished gentleman from New York (Mr. LAZIO), the chairman of the Subcommittee on Housing and Community Opportunity, who has devoted a great deal of time and effort to not only this bill, but other housing legislation. I apologize that the gentleman has been detained intransit, but I wanted to reference the gentleman from New York (Mr. LAZIO) because of his leadership on this issue.

Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. METCALF).

Mr. METCALF. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of House Concurrent Resolution 208. As cochair of the Housing Opportunity Caucus, I share the goals of the gentleman from Iowa (Chairman LEACH) and the gentleman from New York (Chairman LAZIO) of expanding access to affordable housing and homeownership opportunities.

Two years ago, the gentleman from New York (Mr. LAZIO), the gentlewoman from Connecticut (Mrs. JOHNSON), the gentleman from Illinois (Mr. WELLER), the gentleman from Pennsylvania (Mr. ENGLISH) and I formed a caucus to spotlight the need for housing in this Nation.

Working cooperatively, we have discovered we can create programs that increase the production of affordable housing. For example, the low income housing tax credit is one of the few Federal programs that encourages the creation of new rental housing without excessive government regulations. Since its inception, this program has generated thousands of housing units for working parents who are struggling to pay the increasing rents.

To help achieve the American dream, we cannot simply stop at making rental housing more affordable. We have to help families own their own homes. We can achieve this by continuing the support for the mortgage interest deduction, reducing Federal barriers to homeownership, and ensuring that financing is available. The mortgage revenue bonds and FHA guarantee of loans have helped low income families finance their home affordably.

This Congress can and should do more to increase the access to housing. H. Con. Res. 208 is not just a simple statement in support of housing as a national priority, it is a statement of our vision to help make the American dream a reality for more people. I ask my colleagues to support this important resolution.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I must say that I owe an apology to the supporters of this. Having first read it, I was inclined to regard if as fairly trivial. It is a resolution with no binding impact. It seemed to me to just be sort of cheerleading.

I was somewhat struck that in the week in which we are passing a housing appropriation bill which severely diminishes funds that should be available for people at the low brackets, we are celebrating the importance of affordable housing. In fact, there is a great inconsistency between the legislation we will be adopting, which significantly underfunds affordable housing and will allow the gap to greatly widen for those who need it.

But it is not nearly as trivial as I thought. Indeed, there are some very interesting things. I notice on page 2, lines 4 through 6, the following: "Encourage tax incentives such as the mortgage interest deduction at all levels of government." The gentleman from Washington also mentioned the low income tax credit.

I guess, Mr. Speaker, when the House passes this today, the appropriate

phrase will be, if I may lapse into a little bilingualism, "sic transit gloria flat tax."

We have heard a lot about the flat tax, and it seemed to be an idea that had some support in some Republican circles. But those circles appear not to be included in the circle of influence today.

The mortgage interest deduction is, of course, the biggest bump in the flat tax. The mortgage interest deduction is very different than a flat tax, and I am struck that the House is today apparently repudiating the notion of a flat tax, because it is citing not simply the fact of the mortgage interest deduction, which is a major bump in that flatness, but it is celebrating the principles of using the Tax Code to achieve social purposes. What we are saying here is homeownership is a good thing, and let us use tax incentives to change what the economy might otherwise do.

Now, I am for the mortgage interest deduction myself. I supported putting a cap on it, but I think it ought to exist. I was not sure whether my Republican colleagues remain as loyal to that as they apparently are.

Mr. LEACH. Mr. Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Iowa.

Mr. LEACH. Mr. Speaker, I would be delighted to respond to the gentleman. As the gentleman knows, there is a lot of controversy within the country and some differences of judgment within the party on the flat tax, but it is my belief that the majority of Republicans strongly support maintaining the mortgage interest deduction, even if there is a movement towards a flat or a flatter tax.

Mr. FRANK of Massachusetts. Mr. Speaker, reclaiming my time, I would thank the gentleman. I would say this is a day for people to come together. I was particularly pleased to see the gentleman from Iowa expressing his support for Fannie Mae and Freddie Mac and his talk about the essentiality of this role.

I will have to say this though. It seems to me you can be for the mortgage interest deduction and a flatter tax, but you cannot be and still remain within the confines of the English language for the mortgage interest deduction and a flat tax. It is very unflat, and, indeed, it is not simply the flatness of the mortgage interest deduction, it is the notion that it is legitimate to use the Federal Tax Code to achieve policy goals.

Indeed, not just the Federal Tax Code. I notice this also encourages the mortgage interest deduction to be maintained "at all levels of government." So apparently this is a case where the Federal government is also giving some advice to State and local governments. Apparently the people who drafted this believe that State governments, left to their own, probably would not get the Tax Code right. So here is a little advice to the States to follow the Federal example.

As I said, I am supportive of this, but I think we ought to note that it is very much a deviation from the notion of a flat tax.

I also noted, because I agree with the gentleman from Washington who talked about the low income housing tax credit, another bump, not as big, because it is the low income people and we would, of course, not do for low income people anything of the magnitude of the mortgage interest deduction, but it is another deviation from the principles of the flat tax.

So I am in favor of this. The other thing though I do want to stress so that no one misunderstands, subparagraph (A), just before repudiating the flat tax, it says "promote the ability of the private sector to produce affordable housing without excessive government regulation."

Now, obviously no one is for more excessive government regulation. I am against excessive government regulation.

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But lest anyone think that means no government regulation, let us remember that last week we celebrated in this House the passage of a new government regulation of the private housing market, the bill to reform private mortgage insurance. That is private mortgage insurance, a part of the private sector, and we passed a Federal bill here which I supported, and I thank the chairman for bringing it forward, to increase regulation.

So lest anyone think that there is an objection to excessive government regulation, meaning they are opposed to regulation in general, let me remind them that this House, which is about to pass this resolution, passed the bill reforming private mortgage insurance. The House and the Senate did it, and what that was was a new regulation. Previously there was no Federal regulation of private mortgage insurance that I am aware of, and we now have federally regulated private mortgage insurance. I am glad of that. I think people should understand that.

We also, by the way, have decided that the private insurance market does not work too well without us, so we are about to pass, and I voted for it in full committee, a very significant government intervention into the flood insurance field. So once again, I would not want anyone to think that just because we say we are against excessive government regulation, we think we can leave the private sector to its own devices. We reformed the private mortgage insurance; we are going to reform flood insurance.

So I want to note that sometimes, and I say this in defense of my Republican colleagues, sometimes they may appear more monochromatic than they in fact are. There might be people who just read the headlines and listen to the TV news, and they may get the sense that this is a group of flat-taxers and people who never want to see any kind of regulation. Instead, we have a group that now tells us that the mortgage interest deduction is very important, not just at the Federal level but at all levels; a group that decided that we better reform private mortgage insurance; a group that has decided that the flood insurance plan does not work on its own, the private flood insurance, and we better get involved.

So I am delighted to support this resolution, not just because of what it says but because it does advance a goal, which is having people understand the true diversity ideologically of the Republican Party.

Mr. Speaker, I reserve the balance of my time.

Mr. LEACH. Mr. Speaker, I yield 2½ minutes to the gentleman from Nebraska (Mr. BEREUTER), my distinguished colleague.

Mr. BEREUTER. Mr. Speaker, I appreciate the remarks of the gentleman from Massachusetts, and I appreciate the distinguished chairman of the full committee for yielding me this time.

I appreciate the gentleman from Massachusetts recognizing the ideological diversity of the Republican Party. Most of the people that are in favor of the flat tax, that is to say an unadapted flat tax, are would-be Presidents or would-be, frustrated elected officials who cannot get elected. But when I speak at my town hall meetings about this subject, I warn people about the loss of the mortgage interest deduction and about the fact that middle income Americans would pay a lot more income taxes, proportionately, under an unadapted flat tax.

But back to the subject at hand in a direct sense and that is, I rise in strong support of H. Con. Res. 208 as a cosponsor of the resolution. It expresses a sense of Congress that affordable housing is a national priority. I would like to commend the distinguished chairman of the subcommittee, the gentleman from New York (Mr. LAZIO), for introducing this bill.

I could list a number of reasons for support of this legislation, but I will list only three. One, the goals of the Housing Act of 1949 include among other things, the provision of a decent home and suitable living environment for every American, have not yet been met. Much still needs to be done to ensure affordable homeownership for American families, and H. Con. Res. 208 is a step in the right direction. It reminds us of those responsibilities.

Two, as referenced by the chairman, the distinguished gentleman from Iowa (Mr. LEACH), our country is in the midst of a booming economy, and that

has resulted in an impressive 66 percent of all American families owning their homes, which is a record rate. However, this economic prosperity also increases the overall demand for both existing and new construction, which in turn results in a lower supply of affordable homes to be purchased. As a result, there is a substantial shortage of affordable housing in America.

I would say a third reason to support H. Con. Res. 208 is to respond and assist State programs focused on providing affordable housing. Reasons for these legislative actions include the lack of Federal emphasis and resources for affordable housing. I think it is fair to say that is an accurate criticism. It is a criticism that could well have fallen upon previous administrations as much as it falls on this one; it could fall on previous Congresses in recent times as well as it can fall on this one.

For those three reasons, among others, this Member endorses H. Con. Res. 208. Of course, the private sector is still the main provider of affordable housing. However, government should continue to play an important role in providing or facilitating affordable housing.

I urge my colleagues to vote "yes" on H. Con. Res. 208.

Mr. FRANK of Massachusetts. Mr. Speaker, I would inform the gentleman I have at most one more speaker, so I will reserve the balance of my time at this time.

Mr. LEACH. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. DAVIS), our distinguished colleague.

Mr. DAVIS of Virginia. Mr. Speaker, I want to just once again thank the gentleman from Iowa (Mr. LEACH), chairman of the full committee, and thank the gentleman from New York (Mr. LAZIO) for introducing this resolution.

I am pleased to have the opportunity today to speak in favor of H. Con. Res. 208, which establishes this body's commitment to making housing a national priority. In a couple of minutes I can only begin to describe the importance of housing in this country, but housing has impacts far greater than can be succinctly described here.

Let me say that when we take into account not only the economic benefits of housing, such as increased job opportunities and tax revenues, but the proven positive impact on communities and families and homeownership, we cannot afford to deny housing a top spot on our national agenda.

One brief but illustrious example of the impact of housing on our economy is an estimate that the construction of 1,000 single family homes generates 2,448 jobs in construction and construction-related industries, not to mention more than $79 million in wages and more than $42.5 million in Federal, State and local tax revenues.

Housing is an important issue in each and every congressional district in this country, and decent shelter is one of the basic necessities of this life. We owe it to American people to take this issue to heart and help make sure that every citizen's needs are considered.

Yes, we have the VA-HUD appropriation bill on the floor this week, but this resolution talks not just about government's direct involvement with negotiations but public and private partnerships that can result, affecting the costs of land through zoning laws, through our own Federal largesse; the cost of construction, the cost of money, and the cost of regulations. Even local governments, with permitting and processing and moving those time periods through, have an effect on housing.

With every level of government working together with the private sector, and of course encouraging the home mortgage interest deduction, which I think is critical if we are going to remain the country in the world with the highest percentage of homeownership, I think all go into this ingredient. I think the resolution addresses all of these.

For these reasons I urge my colleagues to support H. Con. Res. 208.

Mr. LEACH. Mr. Speaker, I yield 6 minutes to the gentleman from New York (Mr. LAZIO), the distinguished chairman of the Subcommittee on Housing, who is principally responsible for this legislation, and in fact its architect.

Mr. LAZIO of New York. Mr. Speaker, I thank the gentleman for yielding me this time. I appreciate not just the gentleman yielding to me, but the support that he has lent to the concept of boosting homeownership in America and our efforts to try to do the same.

Last year, Mr. Speaker, I had the great pleasure of helping to construct a home in Washington, D.C., with Members on both sides of the aisle. It was a great bipartisan effort to try and build a home through the Habitat for Humanity. One of the great pleasures as we neared the end of the day in construction was a statement by the woman who was going to go into that house, who said to me, "I never thought I would ever see the day where I would be able to put a key in the door and actually own my own home. The more I rented, the less money I had to buy a house." What a happy day it was for her. That really speaks to the essence of homeownership throughout America.

Every American has the same goal in achieving the American dream, to own their own home, a home that is safe, clean and affordable. By increasing homeownership, we can bring families closer together.

This resolution is an important first step in removing the many roadblocks that stand in the way of this worthy goal. Quite simply, it expresses the sense of Congress that the priorities of the United States should include providing access to affordable housing that is safe, clean, healthy and affordable, as well as making homeownership more accessible.

This resolution expresses that these goals should be pursued through policies that do three things: First, promote the ability of the private sector to produce affordable housing without excessive government regulations. Secondly, we encourage tax incentives, such as mortgage interest deduction, at all levels of government. Lastly, we will facilitate the availability of capital for homeownership and housing production.

Owning one's own home means one can take care of one's family and achieve a better quality of life. Last year for the first time in history the homeownership rate reached 66 percent, largely because of moving toward a balanced budget, decreasing pressure on interest rates, bringing those interest rates down and making homeownership more affordable.

Through the dedication and the hard work of public-private partnerships, communities and individuals, we will accomplish our aim of solidifying a strong foundation for sustaining homeownership into the next century. These statistics mean that we are making headway in the area of providing decent, safe, affordable housing for all Americans, but we are not yet there. Even with these important gains, however, young households, especially young married couples, are still 4 to 9 percent below their peak homeownership rates. Shortages of household resources for both downpayment and monthly mortgage payments are largely responsible for this trend.

I also would mention, Mr. Speaker, that among African-American and Hispanic heads of household and female heads of household, while overall homeownership rates are up by 66 percent, those numbers are down in the 40 percent range, so we have a lot of room to grow.

Our most pressing housing challenges are increasingly being faced by first-time home buyers and low-income households and rental housing. As we have seen, fewer young Americans are able to afford their own home than in 1980. But what is worse is that growing numbers of less fortunate citizens are forced to spend very large portions of small budgets to rent apartments that are physically inadequate.

The struggle of many Americans to buy or rent a home is unnecessary. There is an undeniable direct relationship between safe housing and positive economic, social and political outcomes that stabilize neighborhoods and communities and benefit all members of our society. We in Congress need to give Americans the tools they need to be in control of their family's housing.

This resolution must serve as a foundation upon which we build a coherent, coordinated national housing policy that represents the wealth of individual dedication and community spirit that characterizes our great Nation. We cannot be satisfied with an all-time high homeownership rate. We cannot be satisfied with anything less than providing every available opportunity for all Americans to obtain decent, affordable housing for every American citizen.

This Thursday the Subcommittee on Housing will hear testimony regarding H.R. 3899. That is called the American Homeownership Act, legislation that I and a number of our colleagues introduced in May. The American Homeownership Act represents a continued commitment to expanding homeownership opportunities into the next century. It recognizes that homeownership helps provide the building blocks for family security and stability, a healthy and prosperous community, and a strong and vibrant Nation.

Our proposal will eliminate the bureaucratic red tape and excessive regulations that stifle homeownership, will preserve and protect opportunities for seniors to remain in their own homes, near families and friends, by making FHA-insured reverse mortgage programs permanent. We will expand opportunities for low-income families by allowing public and assisted housing assistance to be used for downpayments and monthly mortgage payments. We will give local communities greater flexibility to tap into Federal block grants for affordable housing development, reclaiming distressed neighborhoods and empowering local community development organizations.

This is what we stand for, Mr. Speaker. The resolution before us today is a complement to this proposal and others designed to provide all Americans every possible opportunity for achieving the dream of owning a home.

I would ask each Member of this body to think about the importance of housing to every single person in our Nation. How else can we directly make a positive change in the lives of all Americans than by improving their access to safe, clean and affordable housing. Let us pledge here today to all Americans that we understand the critical importance of housing, and that we in Congress are finally getting things done.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I agree with all the positive programs that the gentleman from New York mentioned, and I will be supporting them.

□ 1500

My problem is I think there are a couple of gaps. Years ago when we had the failure in the savings and loan industry, and then in the commercial bank area, many less in the commercial bank area, this Congress, through the Subcommittee on Housing and Community Opportunity took the lead in establishing affordable housing programs for both what was then the Resolution Trust Corporation, dealing with the S&L crisis, and the FDIC's resolution entity as well.

What they did was to take the houses that had come into the inventory of the Federal banking regulators and sell them to low-income people at a reduced rate. That is, we did not auction those off. We set them aside so that low-income people could buy them. They were not given away; they bought them. But they bought them at less than they might have to buy at open auction. Unfortunately, when the current majority took over the Congress they effectively ended those programs by not appropriating for them.

So I would hope we would go back to that. I would hope we would say to the extent that there is a Federal housing inventory taken over by banks or taken over by HUD, we would also reinstitute programs which made that available to lower income people, because there is this danger that we will increase the difficulty for people at the lower end.

It is obviously important to maximize homeownership across the board, but we should not forget people at the low end. Indeed, the one question I had, and we will pursue this on Thursday, when the gentleman from New York said we would allow people to use some of their rental assistance, public housing assistance, to buy housing, I am all for that. But it ought not to come at the expense of existing housing. There are ways to do that that would not cause problems, but there are ways that could cause problems.

If, in fact, the result is that less money is available for maintaining existing assisted and public housing, we will have some problems. So, I do want to add to the ability of lower-income people to own their own homes, but not in a way that is going to exacerbate the problems of the people who rent. Because a certain percentage of the people, because of the circumstances they live in, are going to continue to be renters.

And, yes, it is important to promote homeownership. The gentleman said, and the language said affordable housing for everyone. Some percentage of that is going to be rental housing, and we are not now doing nearly enough to help people at the low end live in decent, affordable rental housing.

So I hope that we will not forget that, that we will not go forward with homeownership in ways that will exacerbate that. The resolution, as it is stated, is a reasonable one. I welcome the repudiation of the flat tax that it includes. I think we will be doing people a service by making clear that the flat tax is a rhetorical symbol, but the presidential campaign of 2000 to the contrary notwithstanding, as the gentleman from Nebraska stated, it is not to be a reality and people ought not to worry too much about it, and we can go forward with a series of programs which would include homeownership.

Mr. Speaker, I yield back the balance of my time.

Mr. LEACH. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, in closing let me just stress first that there are 170 cosponsors of this bill. It is a bipartisan piece of legislation. And, secondly, I am pleased that the gentleman from Massachusetts (Mr. FRANK) has offered his support. I believe he has raised a series of thoughtful perspectives that do deserve review.

Let me just stress, this bill underscores that mortgage deductions are key to housing and should be protected. Most of us on this side of the aisle would like to see the Tax Code simplified and the riddance of hundreds of thousands of deductions that currently are in the Tax Code, whether in the context of a flat tax or the maintenance of a progressive tax. But the majority on this side of the aisle, I believe, also insists that whatever happens to the Tax Code, that key deductions like mortgage interest deductions, like charitable giving, for instance for churches, be maintained.

Yes, the gentleman has correctly noted that there can be a role for regulation, just as there is a role for taxes in American society. But too much regulation, just as too much taxation, can be counterproductive and constrain economic growth.

The gentleman has pointed out quite correctly that this House last week passed a bill on private mortgage insurance. He joined us and we are proud of passage of that legislation. In one sense one can argue that it is a governmental intrusion in the markets. In another sense, however, it should be stressed that what we did in that legislation is take the effect of cost of regulation off of the American consumer at such a point in time that a given percentage of the mortgage deduction had been paid.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. LEACH. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I know we are trying to reach common ground here, but that simply defies the English language. What we did with PMI was a government regulation of a private operation.

Now, I agree it was beneficial. I had always been for it. But it was not undoing of regulation as we used the word. What we did was to pass a government regulation establishing new

rules for what has heretofore been an entirely private set of transactions. I am glad we did, but that is what we did.

Mr. LEACH. Mr. Speaker, reclaiming my time, it is odd to be in an argument about an issue which we both support. But I would simply say it took a burden off the American people and that was a very appropriate thing to do.

Mr. FRANK of Massachusetts. Mr. Speaker, if the gentleman would again yield, yes, I agree. Government regulation often has the effect of unburdening people who should not be burdened.

Mr. LEACH. Mr. Speaker, fair enough. If I could proceed on my own time, let me point out that in a broad macroeconomic way, this Congress, in less than 3½ years, has moved from a fiscal deficit to a fiscal surplus, something absolutely disbelieved by the American public, disbelieved or doubted, I think, by many in this body, including some in the party who helped to achieve this.

At this point we have three options. One of those options is to put forth a tax cut, because we are in a surplus circumstance. This is a credible option. Another option is to keep the status quo and continue to pay back some of the enormous debts that have been built up over the last several decades. This. also, is a credible option.

The third option is to increase spending because we are in a surplus situation. That is an option that this side of the aisle thinks is less credible. And so, I would suggest to my colleagues, as we move forth in all areas of Federal spending, we are going to have to be very careful to restrain the budget.

In this regard, we are talking this afternoon about housing. One of the great reasons that there is more private homeownership in America is that there are more jobs because of a growing economy and there is lower cost to finance because of a more restrained fiscal and monetary policy. This side of the aisle is very, very concerned that we do not upset this mix of fiscal and monetary policy that has turned around our economy.

So, Mr. Speaker, in conclusion I would just like to stress that the gentleman from Massachusetts (Mr. FRANK) is entirely correct that we still have a problem of affordable housing in this country especially for lower income levels of America. We have just passed a housing bill that is largely the framework, in a budget sense, of what the administration has suggested, although spending is not as high as the gentleman from Massachusetts would like. But we have tried to work with the administration in a responsible way.

In fact, we have authorized higher dollars for spending on senior housing and for housing for people with disabilities than proposed by the administration. We are proud both of the spending and the tax restraints that have been put into place and we are proud of the principle undergirding this piece of legislation. I would urge my colleagues to adopt it.

Mr. RILEY. Mr. Speaker, I rise today in support of homeownership. That is a simple, but extremely important, statement.

Homeownership cuts across party lines, Mr. Speaker. It gives all Americans hope that they too can reach the American dream.

I can't imagine a member here today who does not believe that homeownership should be a national priority. It is important that the House keep this priority for all Americans in mind when considering this legislation.

We must remove unnecessary regulatory barriers that drive up the cost of homeownership. Housing accounts for 12% of our nation's economy and even modest decreases in the cost of a new home will open the door to homeownership for families who are now priced out of the market.

We must never push out of sight the need to focus on raising the nation's homeownership rate and allowing our nation's families and communities to be strengthened. Please join me in supporting H. Con. Res. 208.

Mr. WELLER. Mr. Speaker, I come to the well today to commend my friend from New York, Chairman LAZIO for moving this important resolution to demonstrate the federal government's commitment to safe and affordable housing.

I believe that homeownership is a key part of achieving the American Dream. Increased homeownership leads to stronger families, stronger communities and local economic growth development. That is why we must work to reverse the decline in homeownership among those of us under 40 years of age. Making homeownership more affordable is a critical factor in our effort to turn this trend around.

I am happy to report that the 104th Congress made great strides in making homeownership more affordable. For example, I offered an amendment that would reduce the cost of homeownership by $200 a year for first time buyers using the FHA program. This provision was part of the FY 1998 VA–HUD Appropriations.

While we all recognize the need to make government smaller, smarter and more effective, I am committed to saving and improving programs that provide an indispensable service. That is why I authored legislation to make the FHA Single Family Program a government corporation. My legislation ensures that FHA's mission will continue and that the program will be given the latitude to create new products to meet market changes. It will remain independent of federal bureaucracy and will have to remain self sufficient. This format will keep FHA mortgages affordable and will remove taxpayer liability. FHA has made the dream of homeownership a reality for 250,000 families and individuals each year who would not otherwise have been able to afford a home; primarily first time buyers, minorities and those with low and moderate incomes. We must do everything we can to preserve and improve upon this success story.

FHA's Title One program is yet another success story that has been underutilized in recent years. The program provides opportunities for families to buy older homes, rehabilitate them and breathe new life into tired communities. While the Title One program increased its volume by 73% from 1994 to 1995 for a total of $1.324 billion, there were only $273.3 million in Illinois. Many former industrial communities that spread across this region could be revitalized with an infusion of additional Title One loans.

There also remains a national need for affordable rental units. Each year 100,000 units are lost to demolition, abandonment or a higher use of income going to meet non-housing expenses such as food and health care. The Low Income Housing Tax Credit has been responsible for financing the construction of units to replace those that are lost each year. In addition to providing affordable housing, the success of this credit can be seen in the thousands of jobs it has helped create. This credit is a fine model of the public-private partnership that we want to foster. It empowers local communities to address housing needs with minimal federal bureaucracy.

My Colleagues and I have founded a housing opportunity caucus to promote programs like the Low Income Housing Tax Credit, FHA Single Family and Title One Programs and others as building blocks for creating sound and compassionate housing opportunity policy that fosters homeownership as an opportunity for all Americans.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of this bill, which expresses the sense of Congress, that we must work towards providing access to safe, healthy and clean accommodations for all Americans.

The goals of this resolution are admirable. Adequate housing is an issue which has been unjustly ignored for too long by this Congress. I have always sought to ensure that the children of this great Nation all have access to safe and secure shelter, and this resolution, in my opinion, is a step in ensuring just that.

My district, which lies in the City of Houston, is suffering from a housing crisis. Thousands of families are currently on waiting lists for public housing. In fact, a recent report had this figure at over 6,000 people. For those families who have already endured the wait and are currently living in public housing, many have found the accommodations unsafe, hazardous, and woefully inadequate. Public Housing has merit, but it is not the best solution for every family with a housing deficiency.

Not all government action has been fruitless, however. We have had remarkable success with Federal programs which work in partnership with private entities. One example is the Department of Housing and Urban Development's Section 8 Housing Program. Under this program, certificates or vouchers are issued to needy families who pay too large a part or portion of their income in rent. The voucher that they receive is for a modest amount, and just brings the rent down to a manageable level.

One of the reasons that this program is so successful is because Section 8 families are allowed to stay in private housing. That not only means that Section 8 landlords get a fair shake in the deal, but it also means that the individual families who use the vouchers have some choice in where they live, work, and raise their children.

Just within the last few weeks, I have worked closely with the people at Fannie Mae in my district. They recently undertook the responsibility of funding a study that would look closely at how their corporation, and other mortgage financiers, can enter the urban market in a successful and lucrative manner. I look forward to the results of that study, and to the benefits I believe it will bring to my community, in the form of more options for prospective homeowners who have typically been excluded from the American dream.

We must work closely together here in the House in order to find viable and workable solutions for our housing deficiencies. This problem afflicts all of our districts, and we must take a pro-active stance if we are going to bring some sort of relief to our constituents. I hope that this resolution signals a step in that direction.

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 208.

The question was taken.

Mr. FRANK of Massachusetts. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. LEACH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

WAR RISK INSURANCE REAUTHORIZATION ACT OF 1998

Mr. DUNCAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4058) to amend title 49, United States Code, to extend the aviation insurance program, and for other purposes.

The Clerk read as follows:

H.R. 4058

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AVIATION INSURANCE PROGRAM AMENDMENTS.

(a) REIMBURSEMENT OF INSURED PARTY'S SUBROGEE.—Section 44309(a) of title 49, United States Code, is amended to read as follows:

"(a) LOSSES.—

"(1) ACTIONS AGAINST UNITED STATES.—A person may bring a civil action in a district court of the United States or in the United States Court of Federal Claims against the United States Government when—

"(A) a loss insured under this chapter is in dispute; or

"(B)(i) the person is subrogated under a contract between the person and a party insured under this chapter (other than section 44305(b)) to the rights of the insured party against the United States Government; and

"(ii) the person has paid to the insured party, with the approval of the Secretary of Transportation, an amount for a physical damage loss that the Secretary has determined is a loss covered by insurance issued under this chapter (other than section 44305(b)).

"(2) LIMITATION.—A civil action involving the same matter (except the action authorized by this subsection) may not be brought against an agent, officer, or employee of the Government carrying out this chapter.

"(3) PROCEDURE.—To the extent applicable, the procedure in an action brought under section 1346(a)(2) of title 28 applies to an action under this subsection.".

(b) EXTENSION OF AVIATION INSURANCE PROGRAM.—Section 44310 of such title is amended by striking "1998" and inserting "2003".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Pennsylvania (Mr. BORSKI) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill reauthorizes the War Risk Insurance program for 5 years. The Committee on Transportation and Infrastructure unanimously approved H.R. 4058 on June 25.

This bill is very similar to legislation, S. 1193, which the House passed on November 12, 1997. S. 1193 provided a short extension of the program in order to give us time to develop an alternative to borrowing authority that would help ensure that air carrier insurance claims could be paid in a timely manner.

The War Risk Insurance Program expires on December 31 of this year. Our borrowing authority proposal was opposed by the administration last year, so we worked with the administration and others in developing this alternative. H.R. 4058 would reauthorize the War Risk Insurance Program for 5 years until the year 2003. It also includes a provision that would allow an air carrier to be reimbursed almost immediately from its private insurance company should the Federal Government be unable to pay promptly because of some unforeseen circumstance or because the insurance fund had been depleted.

In short, if the Federal Government does not pay promptly, the airline can get the prompt payment from its private insurance company. The insurance company's prompt payment would then eventually be reimbursed by the Federal Government.

The War Risk Insurance Program is vitally important to this Nation and to our national defense. It was first authorized in 1951 and over the years has been improved upon during the reauthorization process.

The subcommittee held a hearing on this program in May of last year and has made great progress on this program.

The War Risk Insurance Program was used extensively during operations Desert Shield and Desert Storm to ensure aircraft carrier and troops and supplies to the Middle East. Without this program, the military would have had to buy more aircraft for this purpose, which would have cost taxpayers billions of dollars. Instead, commercial aircraft, with the protection of war risk insurance, were willing to take on these dangerous missions.

This is a good bill, Mr. Speaker, a needed bill, and I strongly urge its adoption.

Mr. BORSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 4058, a bill to extend and improve the War Risk Insurance Program. This is a little known but very important program. It ensures commercial airline flights to high risk areas, such as countries at war or on the verge of war, where commercial insurance companies will not provide insurance. These flights must be directed to supporting the foreign policy or national security of the United States.

Its largest, most recent use, was to support operation Desert Shield and Desert Storm, ferrying our troops and equipment to the Middle East.

The bill before us today extends this program into the year 2003. It also provides us with a solution to a problem left unresolved from last year. During one of the Subcommittee on Aviation's hearings last year, GAO identified that there was a need for air carriers purchasing premium insurance to have a better guarantee that if they suffered a claim in excess of the amount in the aviation insurance fund they would be assured of complete and immediate reimbursement.

Without this guarantee, significant problems could be created, especially for a small airline where the loss of one aircraft could be devastating. The solution contained in this bill would address this issue by making it easier for an airline to obtain prompt payment insurance from a commercial insurance company. Such insurance would ensure that the airline could obtain reimbursement for its loss from the insurance company quickly, even if the FAA's insurance fund was insufficient and Congress failed to replenish it promptly. The commercial insurer could then recover the money it paid to the airline when money was appropriated to replenish the insurance fund.

I want to commend the gentleman from Tennessee, Chairman DUNCAN, and the gentleman from Illinois, Mr. LIPINSKI, the distinguished ranking member, for having the patience to find an acceptable bipartisan solution to this issue, and I strongly urge all Members of the House to support H.R. 4058 because of its importance to our Nation's foreign policy efforts.

Mr. Speaker, I yield back the balance of my time.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

I simply want to thank my good friend, the gentleman from Pennsylvania (Mr. BORSKI) for assisting us on this legislation, and I have no other speakers at this time so I simply urge support for this very important legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. DUNCAN), that the House suspend the rules and pass the bill, H.R. 4058.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 4058, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

□ 1515

EXPRESSING CONDOLENCES TO THE STATE AND PEOPLE OF FLORIDA FOR LOSSES SUFFERED AS A RESULT OF WILD LAND FIRES

Mrs. FOWLER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 298) expressing deepest condolences to the State and people of Florida for the losses suffered as a result of the wild land fires occurring in June and July 1998, expressing support to the State and people of Florida as they overcome the effects of the fires, and commending the heroic efforts of firefighters from across the Nation in battling the fires.

The Clerk read as follows:

H. CON. RES. 298

Whereas during June and July 1998, wild land fires destroyed approximately 500,000 acres of land in northeast and central Florida, having an aggregate value of more than $276,000,000;

Whereas the fires have affected 67 counties in the State of Florida;

Whereas the President of the United States issued a major disaster declaration for the State of Florida;

Whereas the fires have damaged at least 367 homes and 33 businesses;

Whereas the fires have caused business closures and have aggravated drought conditions, which will have a long-term impact on the economy of the region;

Whereas the fires have caused injuries to at least 95 people, the majority of whom are firefighters;

Whereas approximately 7,000 firefighters from 46 States have braved extreme conditions to assist firefighters in Florida in fighting the fires;

Whereas many agencies of or established by the Federal Government, including the Federal Emergency Management Agency, the Forest Service, the Department of Defense, the Department of Transportation, AmeriCorps, the Small Business Administration, the General Services Administration, the National Guard, the American National Red Cross, and the Civil Air Patrol, have contributed vital support functions in response to the fires; and

Whereas many State and local government agencies have also contributed vital support functions in response to the fires: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) expresses deepest condolences to the State and people of Florida for the losses suffered as a result of the wild land fires occurring in June and July 1998;

(2) expresses support to the State and people of Florida as they overcome the effects of the fires;

(3) commends the heroic efforts of firefighters from across the Nation in battling the fires; and

(4) commends the many agencies of or established by the Federal Government and the many State and local government agencies that have contributed vital support functions in response to the fires.

The SPEAKER pro tempore (Mr. STEARNS). Pursuant to the rule, the gentlewoman from Florida (Mrs. FOWLER) and the gentleman from Pennsylvania (Mr. BORSKI) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Mrs. FOWLER).

Mrs. FOWLER. Mr. Speaker, I yield myself such time as I may consume.

I rise today as my State and district, and the Chair's State and district, are beginning a healing process following weeks of widespread wild land fires and months of drought conditions. Floridians have been dealing bravely with fires that have threatened their homes and property as well as their own health and safety.

Months of hot and dry weather encouraged fire to spread to every county in the State, with some of the worst fires in Flagler and Volusia Counties which I represent. The fires devoured nearly one-half million acres, bringing with them tremendous, searing heat.

Long after some of the most visible scars will be gone, the State will continue to feel the effects of the wildfires. Estimates are that it may take as many as 100 years for some of the burned acreage to return to normal. In a single word, it was a disaster.

My purpose in rising today is to urge the passage of this resolution thanking the thousands of firefighters and emergency personnel from Florida and more than 40 other States who worked around the clock in the most dire of conditions to save the lives of Floridians. Many of those injured in the fires were firefighters who had left their families and traveled long distances to lend a hand to their fellow firefighters in Florida.

This resolution expresses condolences to Florida citizens for losses suffered as a result of the wildfires, a State-wide aggregate of $276 million and rising. The recovery has just begun and many forms of assistance will continue to be available.

I want to thank the residents who helped their neighbors when entire counties were evacuated with very little advance warning. I was very heartened with the generosity from total strangers and businesses.

I especially would like to express gratitude to Bill and Betty Jane France, who own the Daytona Beach International Speedway. Set to have the first night race ever at the track, with more than 150,000 people to attend, the Frances and Speedway president John Graham decided to postpone the Pepsi 400 to protect the safety of the fans. Beyond that, they turned their racetrack into a staging area for the National Guard to respond to fires in the area, and provided temporary housing at the track for evacuees and firefighters in the area, giving them bedding and meals at the track's expense.

Ernest Hemingway once said that, "Courage is grace under pressure." The conditions which residents, businesses and emergency personnel endured were more than just pressure, but courage is a good word to describe their individual heroism and their determination.

Mr. Speaker, I reserve the balance of my time.

Mr. BORSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join the gentlewoman from Florida (Mrs. FOWLER) in supporting this concurrent resolution.

We have all been moved by the pictures and stories of the devastation in Florida. While wildfires may be a natural occurrence, they are not natural to the lives of those who live and work in their path.

These first caused a great deal of suffering, property loss and damage to the Florida economy. Yet, the people of Florida fought back to protect themselves and their livelihoods. I want to commend my colleagues from Florida for their interest in the struggle of those involved, and it is most fitting that the Congress express its support to the State of Florida and its people.

In particular, Mr. Speaker, I want to commend my colleague the gentlewoman from Florida (Ms. BROWN), who introduced this resolution, and the gentlewoman from Florida (Mrs. FOWLER), who is managing this bill.

The entire Florida delegation deserve our acknowledgment on behalf of their efforts for Florida and in bringing this resolution to the floor.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Speaker, I want to thank my colleagues and the great people they represent for supporting this resolution and the people of Florida.

The State of Florida has been experiencing a terrible destruction due to wild land fires and drought. This terrible natural disaster has created an incredible hardship on the residents, businesses, and disaster relief agencies and personnel in Florida.

My colleagues and I from the Florida delegation and the Task Force on Wildfires have introduced this House Concurrent Resolution to express our deepest condolences to the State and to the people of Florida who have experienced financial loss and emotional pain associated with the devastation of nearly a half million acres of land.

This resolution also expresses sincere gratitude to the firefighters, including the 7,000 firefighters who came from 46 States from around this country to help manage and put out these fires. Just recently, the Emergency Support Transportation staff are scheduling the return of equipment and personnel from North Dakota, Virginia, Maryland, North Carolina, and Louisiana. I thank all of these people who have traveled from these and other places for their tremendous courage and spirit of patriotism.

Mr. Speaker, in tragic situations like these it is wonderful to see the entire Nation mobilized in this way to help fellow Americans. This resolution also thanks the numerous Federal agencies, including FEMA, the Department of Defense, National Guard, the Department of Transportation, AmeriCorps, and other agencies such as the Red Cross who helped in these endeavors.

The Department of Defense sent Marines from North Carolina and other support staff, and more than 1,500 Florida and Georgia Army National Guard troops were activated and deployed to support firefighter operations. The Naval Air Station Jacksonville in my district was the base support for the Defense Coordinating Element provided by the Department of Defense.

The U.S. Forest Service sent more than 1,400 firefighters as support crew to help in this effort. The Civil Air Patrol has flown more than 23 missions in support of the firefighting effort. And the U.S. Army Corps of Engineers has provided 565,000 pounds of ice to the firefighter crews.

Mr. Speaker, these are a few of the many examples of support and great deeds that occurred in fighting these fires. In the face of crises, this response was very effective and helped to get these fires under control. On behalf of the people of Florida, I thank all of these great people and institutions for their hard work.

Mr. BORSKI. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Florida (Mrs. THURMAN).

Mrs. THURMAN. Mr. Speaker, I appreciate this, and I certainly appreciate my colleagues bringing this to the floor today. This is a really important issue for all of us from Florida.

I, too, would like to offer my deepest appreciation to all of the men and women who have left their families and who have risked their lives to fight these deadly blazes.

These disastrous fires have uprooted hundreds throughout Florida. For some of us who have visited the sites of the worst fire outbreaks, I can tell my colleagues it is absolutely heart-wrenching. These people, my neighbors, my constituents, never thought their lives would be affected by a fire. One hundred ninety-three people, many of whom are firefighters have been injured. More than 337 homes have been destroyed and 33 businesses have been decimated.

I hasten to think about the damage and destruction that would have befallen Florida without the decisive action by these firefighters. Throughout this ordeal, in an amazing expression of unity and compassion, 7,000 men and women from 46 States have shown the world what it really means to care about their neighbors. And believe me, all Floridians are appreciative.

When I was in Deland, Florida, a few weeks ago, I met with both the firefighters and with members of the community they were defending. I wish I could share with my colleagues the images of not only the anguish of these events, but also the expressions of gratitude, the joy of knowing these men and women were defending their community against these blazes.

These brave firefighters all over the country have risked everything, and I want to let them know that America appreciates their courage and their diligence.

For the Floridians whose homes and business have suffered irreparable damage, I want them to know their government will not forget about them. We will continue to provide as much support as needed. I am delighted Members of Congress have come together to set aside additional resources to combat future fires.

This week the House will consider the Interior appropriations bill. I am delighted the bill currently includes $23.5 million for cooperative fire protection, $2 million for volunteer fire assistance, and about $21.5 million for State fire assistance.

Again, to the men and women who have come to fight these fires, I would like to thank them from the bottom of my heart. They have truly made a difference in the lives of our constituents.

Mr. BORSKI. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Speaker, again, I thank my colleagues and the great people they represent for supporting this resolution and the people of Florida.

We in Florida will rebuild what has been destroyed and continue to make our way in life. I think that times like this bring people together from all walks of life, and it shows what a wonderful spirit America has.

On behalf of the people of Florida, I thank America for their support.

Mrs. FOWLER. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, I thank my colleague for yielding me this time, and I rise today also in support of H. Con. Res. 298, of which I am a cosponsor.

I think it is only fitting that we pass this resolution and recognize the damage inflicted upon our home State of Florida in the fires of the past 2 months. In doing so, of course, we also honor those who acted valiantly against terrible odds, terrible odds, to save lives and property.

The district I represent was also affected, although not as much as others. Thankfully, the damage was minimal. Many towns in my district served as a haven for the many thousands of evacuees who fled these fires.

Palatka and Ocala residents opened their doors to over 2,000 evacuees streaming in from nearby Flagler County and other fire-stricken areas. I am proud to represent this district with so many fine people residing there.

Across the State, thousands pitched in to assist the firefighting effort. Private contractors volunteered machinery and manpower to fight the flames and, of course, transport water. Churches, schools, motels, businesses, all of them opened their doors to shelter evacuees. Donations poured in to aid the victims and help the brave emergency workers and firefighters.

Mr. Speaker, the outpouring of goodwill and assistance we received came from within our State, from the Federal Government and many other States, but even foreign countries also offered aid.

As we reflect on our ability to respond to natural disasters, we should be prepared for future fire outbreaks. As a member of the House Fire Services Caucus, I recognize a coordinated effort of all available resources is necessary to successfully battle these blazes.

On June 25th, 1998, I joined with fellow Members of the Caucus at a press conference highlighting our new task force and initiated actions on wild land

fires. We contacted Defense Secretary William Cohen, requesting the cooperation and assistance of the Defense Department and, of course, the U.S. National Guard, to identify assets that can be used and made available for firefighting purposes in the future.

This resolution commends the heroic efforts of all our firefighters who came from across the Nation. In this resolution we also recognize how well local, State and Federal agencies and departments responded to this terrible tragedy.

□ 1530

Finally, Mr. Speaker, we express our sorrow that so many Floridians experienced so much loss. As Florida begins the long, long process of recovery, we can evaluate how we responded to these blazes. Hopefully, in the future, we can prevent such losses.

Mr. Speaker, let us pass this resolution today and let Floridians know that the Nation recognizes their heroism and sympathizes with their losses.

Mrs. FOWLER. Mr. Speaker, I would just like to note that all 23 members of the Florida delegation are cosponsors of this legislation and we are all deeply appreciative of all of the efforts that were given to the State of Florida.

Mr. Speaker, I rise today as my State and district are beginning a healing process following weeks of widespread wildland fires and months of drought conditions. Floridians have been dealing bravely with fires that have threatened their homes and property as well as their own health and safety.

Months of hot and dry weather encouraged fire to spread to every county in the State with some of the worst fires in Flagler and Volusia counties which I represent. The fires devoured nearly one-half million acres, bringing with them tremendous, searing heat.

Long after some of the most visible scars will be gone, the State will continue to feel the effects of the wildfires. Estimates are that it may take as many as 100 years for some of the burned acreage to return to normal. In a single word, it was a disaster.

My purpose in rising today is to urge the passage of this resolution thanking the thousands of firefighters and emergency personnel from Florida, and more than 40 other States, who worked around the clock in the most dire of conditions to save the lives of Floridians. Many of those injured in the fires were firefighters who had left their families and traveled long distances to lend a hand to their fellow firefighters in Florida.

The resolution expresses condolences to Florida citizens for losses suffered as a result of the wildfires—a statewide aggregate of $276 million. The recovery has just begun and many forms of assistance will continue to be available.

I want to thank the residents who helped their neighbors when entire counties were evacuated with very little advance warning. I was very heartened with the generosity from total strangers and businesses.

Pfizer, Incorporated responded quickly to my request for a donation of eyedrops to help firefighters working in the thick smoke. Mr. Wayne Weaver, owner of the Jacksonville Jaguars, worked with NFL Charities and Commissioner Tagliabue to each donate $100,000 to the American Red Cross's wildfire disaster relief efforts. Mr. Weaver is also working on an effort to have season ticket holders donate their tickets to either the Jaquars/Giants game or the Jaguars/Cowboys game to local firefighters and their families. The resolution we are considering today also gives due credit to the American Red Cross, which as always, was on the scene to lend comfort, supplies, and advice to the thousands of residents evacuated from their homes.

I would like to express gratitude to Bill and Betty Jane France who own the Daytona Beach International Speedway. Set to have the first night race ever at the track, with more than 150,000 people to attend, the Frances and Speedway President, John Graham, decided to postpone the Pepsi 400 to protect the safety of fans. Beyond that, they turned their racetrack into a staging area for the National Guard to respond to fires in the area and provided temporary housing at the track for evacuees and firefighters in the area, giving them bedding and meals at track's expense.

Ernest Hemingway once said that "courage is grace under pressure." The conditions which residents, businesses, and emergency personnel endured were more than just pressure, but courage is a good word to describe their individual heroism and their determination.

Mr. MICA. Mr. Speaker, I would like to take this opportunity to express my deepest thanks to all the firefighters who fought tirelessly for weeks against the recent wildfires in Florida.

This summer has been a trying time for the people of Florida. The citizens of my State have witnessed record high temperatures and a desert-like climate. A lack of rain over the past several months has caused the rural areas of Florida to become so dry that they are ignited into blazing infernos with the slightest hint of flame.

The country watched on television and read in the newspapers for weeks how my State burned at the mercy of these devastating fires. Seminole and Volusia Counties, two of the counties in my District, were hit hard. Businesses were lost, homes were destroyed, and natural areas annihilated.

But the destruction in my District was no different than the destruction throughout the rest of the State. Florida cried out with a plea of "Please help."

And people from across this Nation called out resoundingly—"We're on our way".

And they came. They came from Georgia and Alaska. They came from North Carolina and Alabama. They came from 47 States in the Union. Out of the devastation of these fires came the tremendous courage and help of thousands of Americans who worked valiantly throughout this tragedy.

In total approximately 7,000 firefighters risked their own lives to save the lives and homes of the people of Florida. Fortunately out of 170 injuries that these firefighters suffered only one was serious.

Greg Born, from Alabama, suffered the worst injuries of the firefighting effort. While in the field he was struck by a falling tree. The weight of the tree broke his arm and fractured his neck. He is still in a cast and neck brace.

To Greg and all the other brave souls that fought the wildfires in Florida I say thank you, and if your States are ever in need you can call on us. We'll be there.

To the citizens of my district who opened their homes, their helping hands, and their hearts I say "thank you"!

Ms. JACKSON-LEE of Texas. I rise today to offer my most heartfelt sympathy to the victims of the fires that are ravaging parts of Florida. Recent comments by the director of emergency management services for Brevard county seem to say it all: "This is a war."

He sounded like a soldier whose position was about to be overrun by enemy forces. "We've got fronts on the north and the south."

The destruction has already climbed into the millions. The fires have destroyed, for example, more than $190 million of commercial timber. Drought conditions have caused more than $135 million in damage to crops like corn, cotton, and peanuts.

Many houses and private property have been destroyed, and thousands of people have been displaced, or forced to temporarily relocate to avoid the wildfires. Recently, about 40,000 residents of northeast Florida were forced to flee in the wake of wind-swept embers as brushfires consumed—or threatened to consume—many rural areas.

In early July alone, Volusia and Brevard counties have been experiencing the worst of about 1,600 fires of varying sizes and degrees of containment that raged around the State. And, just like my home State of Texas, with no rain or lower temperatures in sight, state officials said the situation may worsen before it gets better.

Thus, in the past month, the State of Florida has suffered from an onslaught of drought and wild fires, leading to the destruction of 500,000 acres of land, 367 homes and 33 businesses, and the injury of 95 people, the majority of whom are firefighters.

H. Con. Res. 298 expresses Congress' deepest condolences to the State and people of Florida for the losses suffered as a result of the wild land fires occurring in June and July; and it expresses congressional support to the State and people of Florida as they overcome the effects of the fires.

This measure also commends the heroic efforts of firefighters from across the Nation who have traveled to Florida to battle the fires, and commends the many government agencies who have also lent their support. It is a good piece of legislation that deserves to be supported.

Mr. Speaker, I urge my colleagues to adopt H. Con. Res. 298.

Mrs. FOWLER. Mr. Speaker, I have no further speakers at this time, and I would just strongly support the passage of this resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. BORSKI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BEREUTER). The question is on the motion offered by the gentlewoman from Florida (Mrs. FOWLER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 298.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. FOWLER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 298, expressing condolences to Florida.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

RELATING TO THE IMPORTANCE OF JAPANESE-AMERICAN RELATIONS

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 392) relating to the importance of Japanese-American relations and the urgent need for Japan to more effectively address its economic and financial problems and open its markets by eliminating informal barriers to trade and investment, thereby making a more effective contribution to leading the Asian region out of its current financial crisis, insuring against a global recession, and reinforcing regional stability and security, as amended.

The Clerk read as follows:

H. RES. 392

Whereas the maintenance and improvement of a very positive international relationship between the United States and Japan is vital to the two countries and to the entire global economic and trading system;

Whereas the United States-Japan Security Alliance and close economic cooperation have underpinned the security, stability, and prosperity of the Asia-Pacific region, thereby allowing that region to enjoy unmatched economic growth and development for nearly three decades;

Whereas the current financial crisis in Asia threatens the foundation of Asia's unmatched peace and prosperity, the stability of the global economic system, and related vital American security and economic interests;

Whereas, although the Government of Japan's $128,000,000,000 economic stimulus and tax reduction package of April 24, 1998, includes numerous provisions designed to promote consumer spending and industrial growth, it is by no means clear that these measures will restore economic growth or will be targeted at the most productive sectors of the economy;

Whereas Japan's generous contributions to second line credits for the three International Monetary Fund program countries, South Korea, Thailand, and Indonesia, totaling $19,000,000,000, and its substantial structural adjustment loans and export credits to Indonesia, have helped contain the financial crisis, but are an inadequate alternative to a strong Japanese economy;

Whereas Japan accounts for three-fourths of the total East Asian Gross Domestic Product and therefore has the potential to help pull the region out of the financial crisis by serving as its "engine of growth", just as the United States, by being an "engine of growth" and having open markets, earlier assisted Mexico emerge from a substantial financial crisis;

Whereas a further weakening of the yen could trigger a round of competitive devaluations among Japan's Asian neighbors;

Whereas deteriorating economic conditions and ongoing financial market turbulence in Asia make it increasingly important that Japan play a leadership role in helping to restore confidence in the economic future of the region;

Whereas that regional leadership role coincides with Japan's stated goal of promoting strong domestic demand-led growth and avoiding a significant increase in its external trade surplus;

Whereas Japan's continued economic stagnation depresses the level of its imports from the United States and other countries in the Asia-Pacific region, thereby forcing its neighbors in the region to rely more heavily on their exports to the United States for growth;

Whereas weakened economic fundamentals in Japan and an accommodative monetary policy, coupled with a robust United States economy, have weakened the value of the Japanese yen against the United States dollar and therefore stimulated a rapid expansion of exports and a fast-growing merchandise trade surplus with the United States, which increased from $48,000,000,000 in 1996 to $55,000,000,000 in 1997;

Whereas the bursting of Japan's investment bubble in 1991 has been accompanied by protracted asset-price and balance sheet adjustments by Japanese financial institutions, leading to a scarcity of credit and weak growth;

Whereas policies favoring low interest rates had encouraged, until recently, excessive private sector lending to overly indebted enterprises in Indonesia, Korea, and Thailand, and thereby contributed to the private debt crisis in the region;

Whereas past efforts to stimulate recovery through deficit spending targeted at the construction sector have proved inadequate and failed to accomplish their desired objectives;

Whereas inadequate deregulation initiatives have failed to restore vitality to the Japanese economy, while truly significant deregulation could add as much as a percentage point or more to Japanese economic growth; and

Whereas the continued failure of the Government of Japan to properly recognize and remedy the aforementioned policies will both prolong the Asian financial crisis and contribute to the inevitable rise in the American trade deficit with Japan, thereby potentially undermining American domestic support for close economic, political, and security cooperation and coordination between the United States and Japan at a critical point in history: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that Japan should urgently undertake the following steps to enhance alliance cooperation and raise Japan to the position of regional partnership that it should enjoy by virtue of its economic size, technological achievements and its democratic political system:

(1) Undertake a broader and faster deregulation of its economy, in order to improve long-term growth prospects and promote opportunities for foreign firms, improve transparency and disclosure, reward innovation and competition, and reduce systemic risk.

(2) Further open its distribution system to eliminate exclusionary and discriminatory business practices that are not only limiting imports but stifling economic growth and competition in Japan.

(3) Fully honor and implement its bilateral trade agreements with the United States as well as its multilateral trade commitments.

(4) Take other aggressive steps to reduce numerous barriers to imports and foreign investment and seek to lower its current account surplus to 2 percent or less of gross domestic product.

(5) Move promptly to dispose of nonperforming bank loans by disposing of nonperforming real estate and other loans and by allowing the market to determine the real value of these assets and loans.

(6) Take immediate steps to address systemic problems in the banking system, close insolvent banks, and recapitalize weaker banks with banks that have strong fundamentals and good management.

(7) Address its fiscal problems in a manner that does not jeopardize economic recovery, with an emphasis on significant and meaningful tax cuts and a comprehensive stimulus package that restores economic confidence and avoids the traditional sectorally-oriented approach of the past.

(8) Adopt all appropriate policies to strengthen the Japanese yen.

The SPEAKER pro tempore (Mr. STEARNS). Pursuant to the rule, the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from Indiana (Mr. HAMILTON) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 392.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the people of Japan have spoken to their government officials about the need for economic reform. It is now more important than ever that the House of Representatives send a clear and unequivocal message seconding that call for reform by unanimously approving House Resolution 392.

The House resolution emphasizes the importance of U.S.-Japan relations and stresses the urgent need for Japan to more effectively address its economic and financial problems and open its markets by eliminating informal barriers to trade and investment.

This Member introduced the resolution on March 24, 1998. The House Committee on International Relations adopted it by voice vote on June 5. This resolution's arrival on the floor is particularly timely, I would think, for, as Clyde Prestowitz said in his July 17, 1998, opinion piece in the Washington Post, "It is important that the United States and other countries move quickly to reinforce and elaborate the message of the Japanese electorate." That message, of course, was a demand for change in light of the continuing Asian economic crisis.

The Asian financial crisis represents a serious threat to the economic

growth of the United States and the global economy. Approximately one year ago, Thailand's financial crisis was described by the President of the United States and many other experts as a few small glitches in the road. Now, one year later, Japan and Hong Kong are in recession, Indonesia's 32-year leader Suharto is gone, Russia stands in desperate need of more international assistance, and the world is pleading with China not to devalue its currency.

Despite Federal Reserve Chairman Greenspan's intentional down playing of the crisis so as not to disrupt the markets further, the Asian financial crisis threat is real, significant, and unfortunately not a short-term problem. This resolution states that Japan plays a crucial stabilizing role in the Asian-Pacific region and, therefore, must make a more effective contribution to leading the Asian-Pacific region out of its current financial crisis, insuring against global recession and reinforcing regional stability and security.

This resolution notes that Japan has generously responded to the Asian financial crisis by providing $19 billion in second-line credit to the Republic of Korea, Thailand, and Indonesia. Nevertheless, it also urges Japan to be more directly involved in helping the ailing Asian economies by opening its markets, deregulating its economy, eliminating barriers to trade, fixing its financial sector, adopting permanent tax cuts, and strengthening the yen.

Japan is the world's second largest economy and accounts for an amazing three-fourths of the total East-Asian gross domestic product. It certainly has the potential to play a leading role in pulling the region out of the financial crisis by serving as its engine of growth, or at least a second engine of growth along with the United States.

The United States' response to the Mexican crisis is a good example of how Japan could jointly serve with the United States and Europe as the engines of growth for Korea, Thailand, Indonesia and the region. The regional leadership role that this resolution calls on Japan to accept is entirely consistent with Japan's stated goal of promoting strong domestic demand-led growth and avoiding a significant increase in external surplus. Yet, Japan is in a full-blown recession, 7 years of stalemate, with zero growth projected for 1998, followed by as much as a 2 percent contraction in 1999.

Already, Japan's imports from most of its Asian trading partners have dropped substantially in the first quarter of 1998. For example, compared to the same period in 1997, Japan's first-quarter imports from Indonesia declined 46.5 percent, Japan's imports from Thailand declined 39.7 percent, and its imports from South Korea declined 38.5 percent.

These weak economic fundamentals for Japan, coupled with a robust United States economy, have already weakened the value of the Japanese yen vis-a-vis the dollar. The weak yen has, in turn, stimulated a rapid expansion of exports and a fast-growing merchandise trade surplus with the United States, which increased from $48 billion in 1996 to $55 billion in 1997 and is on a record surplus pace in 1998.

Although the United States was able to almost unilaterally absorb Mexico's imports after the peso crisis, the United States simply cannot economically or politically absorb all the additional imports from the Asian-Pacific region stemming from the financial crisis. Mostly because of the Asian financial crisis, the IMF estimates that the U.S. trade deficit with the world, already at $178 billion in 1997, could grow as much as an incredible $50 to $100 billion in 1998. And that is the growth, $50 to $100 billion.

U.S. officials representing both Republican and Democrat administrations have long called for Japan to deregulate its economy and remove informal barriers to trade. More recently, U.S. Treasury and Federal Reserve officials have called upon Japan to take the tough steps necessary to reform the financial sector of the economy. Nevertheless, knowledgeable Japan observers have been underwhelmed by the scale and scope of the proposed reforms in Japan, including the financial sector big bang and a bridge bank to close bankrupt financial institutions. To paraphrase Secretary Rubin, it is time for Japan to move beyond virtual reform to real reform.

Moreover, Japan's political leaders have stubbornly refused to abandon their export-dominated economic model while undermining Korea, Thailand and Indonesia's recovery from the Asian financial crisis. For example, Japan's current account surplus with the world has risen from $65.8 billion in 1995 to $93.5 billion in 1997, and is expected to exceed $100 billion in 1998.

This resolution reinforces the administration's strategy to focus on key deregulation and competition policy initiatives in Japan. For example, it urges Japan to undertake a broader and faster deregulation of its economy, open its distribution system, and eliminate exclusionary and discriminatory business practices. These initiatives are aimed at helping highly competitive U.S. companies in sectors such as financial services, telecommunications, pharmaceuticals, construction materials, and consumer goods gain access to the Japanese consumer.

Furthermore, this resolution calls upon Japan to take other steps to reduce numerous non-tariff barriers to imports and foreign investment. It also addresses reform of the financial sector in Japan by calling upon that country to promptly dispose of non-performing bank loans while taking other necessary steps to reform the banking system.

Long before Prime Minister Hashimoto's very public wavering on tax cuts for Japanese, this resolution stressed the need for Japanese officials to enact permanent tax cuts for individual Japanese citizens.

Finally, this resolution properly, I think, recognizes that Japan must immediately adopt all appropriate policies to strengthen the yen. An excessively weak yen threatens not only the entire Asian-Pacific region but also global trade and stability.

Mr. Speaker, the world is closely watching Japan to determine if that country's leaders can steer the world's second largest economy out of recession. The implications of their actions or inactions are enormous for Japan itself, for the regional and global economy, and for the United States. If Japan's newly elected leaders and a prime minister yet to be elected choose the right path, they can help ensure that the Asian financial crisis is a temporary setback on the road to further economic liberalization and democratization in Asia. But if they choose the wrong path, they have the potential to prolong the crisis and perhaps even contribute to a global economic slowdown that will have a significant impact on the United States and a very negative one.

Mr. Speaker, I urge my colleagues to support the resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Res. 392. I commend the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from California (Mr. BERMAN), the ranking member of the Subcommittee on Asia and the Pacific, for introducing this resolution. It is a very good one. It is carefully drafted. It is balanced, and it certainly is timely.

No country can do more than Japan to help Asia's crisis economies recover. Consistent with its role in the region as the dominant economy, Japan has pledged more than any other country to the multilateral financial packages system for Thailand, Korea, and Indonesia. I would hope that the Japanese government and the people of Japan will note that H. Res. 392 applauds these generous contributions and recognizes the positive economic steps that Japan has undertaken.

The resolution also strongly reaffirms the importance of the U.S.-Japanese relationship. Over the long run, however, export growth and new private investment will be more critical than multilateral aid to economic recovery in Asia. As long as its economy remains stagnant and its financial institutions remain in crisis, Japan cannot be the customer and the investor

that Thailand, Korea, and Indonesia need. The United States then will become the region's importer of last resort.

H. Res. 392 calls for Japan to implement policies that will get its economy humming and put its financial system in order. These policy recommendations closely parallel the ones conveyed by the administration recently and repeatedly, and many prominent Japanese have urged their government to take these same steps.

As the recent elections in Japan demonstrate, Japanese citizens also see the urgency of reforms.

□ 1545

We support Japan's efforts to make these important reforms. I think this is a responsible resolution, it conveys an important message, and I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. BEREUTER. Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of this resolution and commend the gentleman from Nebraska for drafting it. For too long we in the United States have misjudged, the U.S.-Japan relationship. In fact, I think Japan has misjudged the relationship as well. I remember just a few years ago, as I think many in this body remember, U.S.-Japan relations, particularly our trade relations, were very much at the forefront of American political thinking. One could not turn on a television, could not open a newspaper, could not buy a magazine or look at what was the latest on the New York Times best seller list without reading about the coming Japanese century or how America was losing its trade war with Japan. The Japanese economy was the envy of Asia, emulated by its neighbors and held up as a model for economic growth in the 21st century. At that time the Japanese economy was seen as a danger to our own economic prosperity.

How quaint that picture seems today. How almost we wished that that were the case again today. But today it is a vastly different picture. Today we find a Japan that seems to be mired in perpetual economic stagnation. Year after year of a no-growth economy is beginning to take its toll as unemployment continues to rise and credit becomes more difficult to attain. Underlying it all is a massive public debt, estimated by some to be as much as 250 percent of the gross domestic product; over $600 billion in nonperforming bank loans; corporate liabilities exceeding equity by an average of four to one; and an overvalued property market. Yet most Japanese seem unable or unwilling to acknowledge the extent of the economic crisis or the impact it is having on the rest of us in this globe that we all occupy.

If you walk down the streets of Tokyo today, you do not find a populace in fear for the future. Stores are filled with the latest merchandise, public works projects continue and virtually everywhere you look are the signs of a prosperous and successful society. There seems to be little concern for the future, or perhaps an unwillingness to admit it. There seems to be a quiet contentment with the prospects of subpar economic growth into the near future. This, Mr. Speaker, is not and must not be acceptable to the rest of the world, for our futures depend on the Japanese ability to solve their economic problems.

It is time for Japan to recognize its pivotal role in Asia. Japan must confront honestly its own domestic economic problems and assume its proper leadership role in southeast Asia and the rest of Asia. Japan can help pull Asia out of its economic doldrums and help to serve as one of the world's leading engines of economic growth. But it can do so only if the Japanese government and people have the political courage to do that.

This resolution that my colleague has drafted calls upon Japan to continue deregulation of its economy, to open its market to foreign goods as well as adopt policies to strengthen the yen. I fully support these efforts and hope my colleagues will support this important resolution.

Mr. HAMILTON. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Michigan (Mr. LEVIN), a member of the Committee on Ways and Means.

Mr. LEVIN. Mr. Speaker, I thank the distinguished gentleman for yielding me this time. I am pleased to join my other colleagues here in support of this resolution.

Several months ago, this resolution and one by the gentleman from New York (Mr. HOUGHTON) and myself were introduced in this body. That was before the crisis in Japan reached its present peak and before its recent election. It may well have been that several decades ago Japan may have benefited from its economic policies, its closed, sheltered, highly regulated economy. But increasingly Japan has been paying a heavy price: Its consumers because they were paying prices too high; the subduing of competition, the evolution of Japan in a highly structured way that made it hard for outsiders to enter. Increasingly, also, there was tension that rose and rose between Japan and other countries.

For over 10 years, a number of us have been urging Japan to open up their economic system. We talked about a number of their sectors where there was almost an iron curtain, an iron economic curtain, flat glass, autos and auto parts, film, paper and forest products, telecommunications, insurance, medical equipment and others. Those efforts were often simply given a cold shoulder by the Japanese and often were controversial within this Chamber. But time I think has shown how vital it was for Japan years ago to shift gears from its closed economic system, its system that essentially was structured like cartels and to move to open markets.

This is really the time for it to deregulate, to open up. The yen is so weak they do not have to fear a flood of imports from other countries. This is the time for Japan to act. It is not only a matter for the Japanese but for all of Asia and for this country. Secretary Rubin and Larry Summers and others representing the administration have worked diligently, as has our U.S. Trade Representative, trying to impress upon the Japanese that this is the time for courage, for boldness, for action, for the political system of that country to rise to the occasion.

There is a crisis, an economic crisis in Asia today that in some respects is toned down but is in danger of flaming up again if Japan does not act. As a key Asian nation, Japan really must not only look to others but mainly to look to itself and to act. This resolution as the other one I mentioned urges the Japanese to rise to this occasion. Much of the world as well as their own economy will be affected. I rise in support and hope that this time, unlike many other previous occasions, that words from this Congress will be heard in Japan.

Mr. HAMILTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume in closing.

Mr. Speaker, I want to thank, first of all, the distinguished ranking member of the International Relations Committee, the gentleman from Indiana (Mr. HAMILTON) for his excellent remarks, for his support, and also the distinguished gentleman from Michigan, member of the Committee on Ways and Means, for his insightful and very welcomed remarks.

I would like to give just a couple of examples, in closing, about the difficulties we face in market access today in Japan. We heard a lot about the American flat glass industry some time ago. In fact, in 1996, the USTR deputy, Ira Shapiro, testified before the Ways and Means trade subcommittee that United States flat glass exports to Japan had increased 93 percent as a result of USTR's negotiated glass agreement with that country. That is true, but it most certainly does not tell the whole story. That 93 percent increase now gives us a total market share of 1 percent in Japan, a whopping 1 percent of the Japanese market.

Over in the area of financial services, specifically in the insurance sector, Japanese companies control 98 percent of the life business in Japan and 97 percent of the non-life business in the primary insurance sector. USTR recently concluded that Japan has not implemented the deregulation provisions of the bilateral insurance agreement and has taken actions to undermine, in fact, the U.S. market share in the third sector.

Finally, I would mention that since 1991, seven out of 10 new medicines launched in Europe and the United States remain unavailable in Japan. So we have major problems in pharmaceutical market access in that country.

These are examples of just one of the things that we are urging the Japanese to do, and, that is, to open up their markets, remove nontariff barriers and give access to their consumers to American products and to products from throughout the world.

Mr. Speaker, the chairman of the House International Relations Committee, the distinguished gentleman from New York (Mr. GILMAN), is involved in a traffic delay at this point. He is supportive of the resolution. He wanted to have that support expressed. His entire statement will be made a part of the record as a part of the request of general leave.

Mr. Speaker, I thank my colleagues for their support. I urge unanimous support for the resolution to recognize that Japan is a very important economic player in the world, the second largest economy, to recognize the positive steps they have taken but to also suggest very substantial directions that they need to take in order to make sure that the Asian financial crisis does not worsen.

Mr. GILMAN. Mr. Speaker, I rise in strong support of House Resolution 392 urging Japan to more effectively address its financial and economic problems. I would like to compliment my colleague, the gentleman from Nebraska, Mr. BEREUTER, who serves as Chairman of the Asia and Pacific Subcommittee, for his leadership in sponsoring this resolution and in bringing it to the floor today.

As we begin to debate the status of our trading relationship with China and the impact of the President's recent trip to that country, we should not lose sight of the importance of the United States-Japan Security Alliance and its key role in underpinning the security and stability of the Asia Pacific region.

Especially in light of the Asian financial crisis, which is slowing our economic growth and increasing our trade deficit to record levels, we must ensure that our two countries work together to reduce market barriers, to resolve mounting financial and bad loan problems and to increase trade and investment throughout Asia.

Considered by the Asia and Pacific Subcommittee on May 14, and the full International Relations Committee on June 5, this resolution can serve as a policy blueprint and a road map to better relations when a new Japanese Prime Minister takes office in the very near future.

Acknowledging the key role Japan has played in extending $19 billion in the form of second line credits to South Korea, Indonesia and Thailand, it asks Japan to more directly help the ailing Asian economies by stimulating its economic growth, reforming its financial sector and taking other similar measures to strengthen the yen.

With United States exports to Japan down some 11 percent in the first 5 months of this year and with the overall trade deficit expected to top $200 billion for the year, there are mounting concerns that declining wholesale prices indicate that Japan is in the grip of a growing deflationary spiral.

With Japan's overall bad debt burden now estimated at $250 billion, it is vitally important that the newly established Financial Supervisory Agency take swift and decisive measures to close insolvent institutions and restore confidence in its ailing financial sector.

Accordingly, I look forward to working with my colleagues on the committee, other interested members, and Administration officials in ensuring that the United States and Japan treat our economic relations—and our overall relationship—with the priority they deserve.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I strongly support this measure. We should encourage the continued viability of the Japanese economy not only because Japan represents one of America's economic allies but also because the detrimental impacts of the Japanese economic crisis directly affects both the American and global markets.

The current crisis occurring in Japan is both real and severe. In its June 1998 monthly report, Bank of Japan noted that Japan's economic conditions continue to decline. Production continues to deteriorate. This problem exacerbates the employment and income crisis currently existing. The report also stated that public-sector investment has bottomed out while growth in net exports has peaked as exports to other Asia countries declined. Private consumption likely will not recover in the near future and housing investment continued to decrease.

It is imperative that we strongly urge Japan to resolve its current crisis. By advising Japan to undertake a broader and faster deregulation of its economy, Japan could regain economic stability and would promote long-term growth and foreign investment. Japan must also eliminate its exclusionary, and sometimes discriminatory, business practices, as well as its numerous barriers to imports and foreign investment, to foster global trade and domestic, economic growth.

Moreover, Japan must restructure its banking system by instituting changes such as the closing of insolvent banks and the recapitalization of banks. Disposal of nonperforming bank loans is equally important to Japanese recovery.

We must recognize the strong ties that bind American and Japanese economies and how this relationship affects the global market as a whole. The status quo cannot continue, and without drastic changes to its economic approaches, Japan will no longer participate as a valued actor in international trade. All of the measure's recommendations, as well as the others proposed by this legislation, are needed to return Japan to financial stability.

Mr. BEREUTER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. KOLBE). The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and agree to the resolution, House Resolution 392, as amended.

The question was taken.

Mr. BEREUTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

AFFIRMING UNITED STATES COMMITMENT TO TAIWAN

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 301) affirming the United States commitment to Taiwan.

The Clerk read as follows:

H. CON. RES. 301

Whereas at no time since the establishment of the People's Republic of China on October 1, 1949, has Taiwan been under the control of the People's Republic of China;

Whereas the United States began its long, peaceful, friendly relationship with Taiwan in 1949;

Whereas since the enactment of the Taiwan Relations Act in 1979, the policy of the United States has been based on the expectation that the further relationship between the People's Republic of China and Taiwan would be determined by peaceful means;

Whereas in March 1996, the People's Republic of China held provocative military maneuvers including missile launch exercises in the Taiwan Strait, in an attempt to intimidate the people of Taiwan during their historic, free, and democratic Presidential election;

Whereas officials of the People's Republic of China refuse to renounce the use of force against democratic Taiwan;

Whereas Taiwan has achieved significant political and economic strength as one of the world's premier democracies and as the 19th largest economy in the world;

Whereas Taiwan is the 7th largest trading partner of the United States;

Whereas no agreements exist between the People's Republic of China and Taiwan that determine the future status of Taiwan; and

Whereas the House of Representatives passed a resolution by a vote of 411–0 in June 1998 urging the President to seek, during his recent summit meeting in Beijing, a public renunciation by the People's Republic of China of any use of force, or threat of use of force, against democratic Taiwan: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) affirms its longstanding commitment to Taiwan and the people of Taiwan in accordance with the Taiwan Relations Act (Public Law 96–8);

(2) affirms its expectation, consistent with the Taiwan Relations Act, that the future status of Taiwan will be determined by peaceful means, and that the people of both sides of the Taiwan Strait should determine their own future, and considers any effort to determine or influence the future status of Taiwan by other than peaceful means a threat to the peace and security of the Western Pacific region and of grave concern to the United States;

(3) affirms its commitment, consistent with the Taiwan Relations Act, to make available to Taiwan such defense articles and defense services, including appropriate ballistic missile defenses, in such quantities as may be necessary to enable Taiwan to maintain a sufficient self-defense capability;

(4) affirms its commitment, consistent with the Taiwan Relations Act, that only the President and Congress shall determine the nature and quantity of defense articles and services for Taiwan based solely upon their judgment of the defensive needs of Taiwan;

(5) urges the President, once again, to seek a public renunciation by the People's Republic of China of any use of force, or threat of use of force, against the free people of Taiwan; and

(6) affirms its strong support, in accordance with the spirit of the Taiwan Relations Act, of appropriate membership for Taiwan in international financial institutions and other international organizations.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from Indiana (Mr. HAMILTON) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as chairman of the Subcommittee on Asia and the Pacific, I rise in support of H. Con. Res. 301, affirming our commitment to the people and government of Taiwan. This resolution is intended to repair the damage done by President Clinton's comments on Taiwan during the recent U.S.-China summit.

The Subcommittee on Asia and the Pacific held a hearing on U.S.-Taiwan relations on May 20, 1998. At that hearing, administration witnesses offered repeated reassurances that Taiwan's interests would not be sacrificed during the June 1998 summit in Beijing. However, the President's statements in Shanghai regarding U.S. policy in regards to Taiwan, when he expressed what is known as the "three nos," has caused considerable consternation both in Taipei and in this capital. As the foreign power most closely involved in PRC-Taiwan relations, the goal of U.S. policy has centered on easing tensions and striking a proper balance between China and Taiwan. Since 1972, through Republican and Democrat administrations alike, the United States has maintained the "one-China policy." Our policy has been that the United States acknowledges that all Chinese on either side of the Taiwan Strait maintain that there is but one China and that Taiwan is a part of China. And the U.S. consistently has expressed its interest in a peaceful settlement of the Taiwan question by the Chinese themselves.

Mr. Speaker, there is a great difference between this position and the President's statement of June 30, where he said, "We don't support independence for Taiwan, or two Chinas; or one Taiwan, one China."

As we have seen, Beijing has used these comments to increase pressure on Taiwan to begin talks on reunification. Beijing hard-liners may again choose to test our commitment that Taiwan's future be determined through peaceful means and take steps which may lead us into war.

□ 1600

As you are aware, Mr. Speaker, the United States and China came dangerously close to war over Taiwan a bit more than 2 years ago, in 1996, when the U.S. found it necessary to send aircraft carrier task forces, two of them, to the region.

In May 1996 the first fully democratic presidential elections ever held by a Chinese society took place on the island of Taiwan. Today, the United States and Taiwan share a vibrant mutually beneficial trade relationship. Almost 20 years after the enactment of the Taiwan Relations Act, our unofficial relations with the people of Taiwan are stronger and more robust than ever.

This Member would congratulate the gentleman from Texas (Mr. DELAY), the distinguished majority whip, for offering this legislation reaffirming America's willingness to stand by its commitment to the people of Taiwan. Working together, the gentleman has made it possible for the resolution before this body today to be a strong affirmation of long-standing U.S. policy and the "one China policy".

This Member wants to express his deep appreciation for the sponsor's effort to work with this Member to ensure the broadest possible support for H. Con. Res. 301. I urge my colleagues to support passage of H. Con. Res. 301.

Mr. Speaker, I ask unanimous consent that I be permitted to yield the balance of our time to the gentleman from Kansas (Mr. SNOWBARGER) and that he be permitted to yield time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. BEREUTER. Mr. Speaker, I reserve the balance of my time.

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Con. Res. 301. The resolution is, I think, in many respects a constructive restatement of our long-standing commitment to the well-being of the Taiwanese people.

I want to commend the resolution's author, the gentleman from Texas (Mr. DELAY), for his willingness to take the views of others into account during the drafting process. I want, also, to thank the gentleman from Nebraska (Mr. BEREUTER) for his work and his cooperation in drafting the resolution.

The resolution, among other things, affirms the U.S. commitment to Taiwan without going beyond current U.S. policy or forcing the President to do anything. The resolution restates what has been U.S. policy since the adoption of the Taiwan Relations Act 19 years ago. It does not change or modify that policy. Its sole purpose is to ensure that there is no misunderstanding here or abroad regarding the extent of our support for the people of Taiwan.

I do believe that we would send an even clearer message if the wording of the resolution tracked in every respect the wording of the Taiwan Relations Act. I do also believe, however, that this resolution is constructive. It restates what has been the law of the land over the past 19 years and what has been the policy of every administration during that period.

Americans have watched with pride and admiration as Taiwan in recent years has evolved into a full-blown political democracy. This resolution represents another effort to voice that pride and admiration. I support its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. SNOWBARGER. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. DELAY), the majority whip.

Mr. DELAY. Mr. Speaker, I thank the gentleman for yielding to me, and I really appreciate the gentleman from Nebraska and all the hard work that he has done in putting this resolution together.

Mr. Speaker, I rise today to lend my voice to the chorus of protest that has grown out of President Clinton's public repudiation of our friend and ally, Taiwan.

The United States has always insisted that the future of Taiwan be resolved by peaceful means with the full participation of the people of Taiwan. In short, we believe that the Taiwanese people have a right to determine their own future without the threat of outside influence or the use of force.

Taiwan is a shining example of freedom and democracy in a part of the world sorely in need of role models. It should be the strong and fast policy of the United States to encourage democratic societies, particularly in the face of repressive authoritarian regimes.

Unfortunately, President Clinton went beyond the "three noes," virtually foreclosing the option of Taiwan's self-determination. The insistence of the Clinton Administration that it merely reiterated long-standing U.S. policy is simply wrong. No President has ever used words like the words used by President Clinton while he was in China.

The United States now finds itself in a position of selling offense missile technology to the People's Republic of China while denying defense weaponry to Taiwan. This, in my opinion, is a dangerous policy.

President Clinton has upset the balance of power in one of the most sensitive areas of the world. The United States must do everything in its power to ensure that the People's Republic of China knows that we will not tolerate the use of force in the Taiwan Strait.

By introducing this legislation with the gentleman from Kansas (Mr. SNOWBARGER) and the gentleman from Florida (Mr. DEUTSCH), I hope to send China's leaders a very clear message: Taiwan is our friend and ally. We will not tolerate the use of force in the Taiwan strait. The people of Taiwan must determine their own future.

I urge the Members of this House to support this resolution. If the United States does not stand by its friends and promote democracy, equality and freedom in the face of oppression and the illegitimate use of force, we cannot expect the rest of the world to do the same.

Mr. HAMILTON. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, it may be helpful to read what the President said in Shanghai. I quote him:

> Meeting with President Jiang, I had a chance to reiterate our Taiwan policy, which is that we do not support independence for Taiwan, or two Chinas, or one Taiwan, one China. And we do not believe that Taiwan should be a member of any international organization for which statehood is a requirement.
>
> Our policy has been that we think reunification has to be done peacefully. That is what our law says, and we have to encourage the cross-strait dialogue. And I think it will bear fruit if everyone is patient and works hard.

I think it is important to note here that "no support for Taiwanese independence" has been U.S. policy since the 1972 Shanghai Communique. I think it is correct to say that President Clinton is the first U.S. President explicitly to state opposition to Taiwan's independence. It has been our policy since 1982 under President Reagan, for "no support for two Chinas or one China, one Taiwan." That was explicitly articulated by President Reagan in 1982. "No support for Taiwanese membership in organizations for which statehood is a requirement" has been U.S. policy since the Carter Administration.

The Secretary of State has articulated the so-called "three noes" policy. I think it is also correct to say that promoting reunification is not U.S. policy. Contrary to what the President said, the word does not appear in the Taiwan Relations Act.

The Taiwan Relations Act reads that, and I quote, "The future of Taiwan will be determined by peaceful means." It does not prejudge what the future of Taiwan should be, and I understand that the word "reunification" might be seen as doing so. It would have been better to phrase that sentence in terms of the language of the Taiwan Relations Act, which says that the future of Taiwan will be determined by peaceful means.

I do think, however, that the net result of all of this is that U.S. policy towards Taiwan remains unchanged.

Mr. Speaker, I reserve the balance of my time.

Mr. SNOWBARGER. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. SOLOMON), chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for yielding the time, and I rise in strong support of this resolution. I commend the gentleman from Texas (Mr. DELAY), certainly the gentleman from Kansas (Mr. SNOWBARGER), and the gentleman from Nebraska (Mr. BEREUTER), as well as the gentleman from Indiana (Mr. HAMILTON), an outstanding and respected Member of this body, for bringing this resolution here today.

Mr. Speaker, this resolution emphatically reaffirms the support of Congress for the Taiwan Relations Act, and that is the law of the land, and it expresses again our unswerving support for the free people of Taiwan to determine their own future without military pressure or coercion from Communist China.

Mr. Speaker, the President's recent statement undercutting Taiwan, a statement made in the presence of the Chinese Communist dictatorship, represents an unprecedented departure from U.S. policy and, again, from U.S. law.

By endorsing Beijing's interpretation of the "one China" doctrine, and doing so barely 2 years after Communist China conducted defensive military exercises and missile launchings in the vicinity of Taiwan, President Clinton contradicted 26 years of U.S. foreign policy and commitments by five Presidents.

Moreover, his statement came only days after this House voted unanimously to urge that he seek a public renunciation by Communist China of the use of any force or threat of force against Taiwan. That renunciation is yet to be heard, Mr. Speaker.

So that is why we are here today again. This resolution reaffirms the commitment of this Congress to the terms of the Taiwan Relations Act, the law of the U.S. land. It puts us on record again in support of making available to Taiwan such defensive articles and defensive services, including appropriate ballistic missile defenses, in such quantities as may be necessary to enable Taiwan to maintain a sufficient self-defense capability. Again, that is U.S. law. No President has the right to overrule it.

The resolution goes on, Mr. Speaker, to restate, and we ought to listen to this, U.S. policy in support of an appropriate membership for Taiwan in international organizations and financial institutions.

Here is the Taiwan Relations Act I just pointed to, Mr. Speaker. Quoting directly from section 4(d)1, it says, "Nothing in this Act may be construed as a basis for supporting exclusion or expulsion of Taiwan from membership in any international financial institution or any other international organization." That again is the law of the land. No President has the right to overrule it.

Mr. Speaker, I urge the strongest possible support for this resolution. We all regret the circumstances that make it necessary. But let us send a clear and powerful statement to Beijing. Let there be no doubt in Beijing that America stands with its friends, and real and proven friends at that, not the pretenders for the moment.

Mr. HAMILTON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, I thank my friend from Indiana for yielding to me. I rise also in support of H. Con. Res. 301. I would hope that the passage of this resolution today would lead to stronger American support, support from this Congress, support from the administration, and inclusion in the World Health Organization of the country of Taiwan.

I am disturbed that a nation of 21 million people does not have the opportunity to exchange information in the world health community with physicians and scientists from other developed and underdeveloped countries, but especially developed countries, exchange information about disease and viruses and all the kinds of things that can happen.

As we see around the world more people traveling across borders, more food sold and bought from country to country, and, as a result, more disease transmitted between and among peoples and between and among nations, admission of Taiwan in the World Health Organization will not just help the 21 million people of Taiwan, it will also help the rest of the world gain from the information they can get from physicians and from medical and health researchers and from public

health agencies in Taiwan. So it is certainly something we should do for Taiwan, but it is something Taiwan wants to do for the rest of the world.

I realize I said I support H. Con. Res. 301. I hope that it does lead down the road to a stronger support from our government for including Taiwan in the World Health Organization.

□ 1615

Mr. SNOWBARGER. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Speaker, I rise in strong support of this resolution. I just feel that we need to send a very clear message, and I think Congress and the administration must stop sending these mixed messages around the world about what our relationship is with Taiwan, and the Taiwanese people's place in the world.

The fact is there are those forces all over the world who would like to deny national sovereignty to certain people, and, frankly, the Taiwanese are one to which I think the United Nations and many other agencies have denied recognition of their national sovereignty. We may want to raise concerns about certain activities that China may be involved with, be it with its neighbors to the south or be it internal, but I think one of the things we need to send, quite clearly, is a message to China saying the people of Taiwan have proven themselves over the last decades, and have earned the right to gain the title of sovereign nation unto themselves. I do not think anybody can claim that the people of Taiwan have not earned that much, through their actions and through their efforts.

Mr. Speaker, I want to point out that one of the things that is not brought up enough about America is the fact that we have consistently, not always but consistently, tried to support democratic republics around the world, and I think that the fact is that we need to send a clear message when it comes to Taiwan, that Taiwan is a nation moving toward the ideal democratic republic that we always talk about, that we always say we would like to see mainland China move toward. What a mixed message we send, if we tell the rest of the world and the people on mainland China that the democratic Republic of Taiwan is going to be sold down the river to mainland China's tyranny, because it is politically expedient for the people of the United States or politically expedient for people around the world. What a mixed message, if we do not stand strongly and speak clearly that the people of Taiwan have proven they cannot only defend their right to national sovereignty, their little island in the world, but also that they are continuing their movement toward what we all want the rest of the world to be, and that is a democracy that works, functions, and allows representative government to prosper.

Mr. Speaker, I think that it is clear that the administration and Congress had to stop sending mixed messages, and has to send a very strong message, not just to Taiwan, but to Beijing, that there is a political and military reality called Taiwan, and we should not only respect this reality, we should embrace it.

Mr. SNOWBARGER. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I rise in strong support of the DeLay legislation. Today we are setting straight what exactly is and making clear what exactly is the policy of the United States of America.

During the President's recent visit to the mainland of China, he said some things that perhaps he meant, and I am sure he did sincerely mean these things, but they have sent a confusing message, and his misstatements could lead to an unnecessary crisis unless this body reaffirms exactly what American policy is.

Let us remember that during the Truman years, when President Truman was President of the United States, Korea was accidentally left outside of the U.S. defense perimeter in a briefing of what our policy was in Asia. In very short order, the communists in North Korea, I might add, aided by the communist regime in Beijing, the Communist Party that still controls the mainland of China, invaded South Korea, and the United States was engulfed in a conflict that cost over 50,000 American lives.

That is why it is important for us to state very clearly what the policy of the United States is, and the policy is not just an unfortunate and thoughtless utterance by the President of the United States about reunification and other things that he stated there during his many photo ops. Instead, what the policy of the United States is is a consistent policy and a consensus among the Executive Branch and the Legislative Branch, as well as the many different decisionmakers we have in the democratic process.

The communist Chinese in Beijing should understand that America remains committed to all the provisions of the Taiwan Relations Act. There has been no evolution out of the Taiwan Relations Act that will permit the communist Chinese, for example, to use force against Taiwan. Through no thoughtless talk of reunification should it be misunderstood that the United States is any less committed to opposition to the use of force in the Taiwan Straits than we were last year, 10 years ago, or 10 years before that.

Consistent with that, the DeLay legislation underscores that the people of Taiwan have a right to determine their own destiny, free from the threat of force and violence from the communists on the mainland of China. Thus, the no-use-of-force provision of the Taiwan Relations Act is reaffirmed, and while the mainland of China is still being controlled by a communist dictatorship, America reserves the right to provide the democratic people on Taiwan with the weapons they need to defend themselves; for example, a missile defense system, which is purely a defensive system, which, according to the Taiwan Relations Act, is acceptable.

Also part of the DeLay legislation is that we consider that in those bodies, those world bodies, especially the World Health Organization and such where it does not require statehood to be a member, that Taiwan and the democratic people of Taiwan should be included.

Mr. Speaker, we must make sure that the communist Chinese do not misunderstand what has happened by a misuse of the words by our President. Already, however, I might add, and in closing, that people all over the world, especially in Asia, are seeing what the President did in China as an act of weakness. In Thailand and elsewhere, in Japan, people are cutting their deals with the communists when they see weakness on the part of the President of the United States. An action now with the DeLay legislation will reaffirm the legislative strength in reaffirming our policies in Asia. I ask for the support of the DeLay legislation.

Mr. HAMILTON. Mr. Speaker, I yield back the balance of my time.

Mr. SNOWBARGER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, for 20 years the United States has had a consistent policy toward the dispute between China and Taiwan. We have long acknowledged that China's position is there is one China and that Taiwan is a part of China, but we have never endorsed the Chinese position. Now, true, this is a nuance, but we are familiar with the importance of the nuance in both international and interpersonal relations.

We all have acquaintances who hold strong beliefs that we are not willing to agree to but do not directly challenge. Nations behave in the same way. We have never said that China's position is also the position of the United States; that is, until June 30, 1998, when the President suddenly and unilaterally announced a new policy, or what appears to be a new policy.

I personally regret the necessity for the House to have to consider this resolution, but Congress must set the record straight and reassure the world that the United States will not turn its back on our friends and that we will maintain the longstanding policy which has kept the judicious balance between China and Taiwan and has kept peace in the Taiwan Straits for many years.

The question remains whether the President's endorsement of mainland

China's views on Taiwan was simply a monstrous gaff, as one writer has said, or whether this was a deliberate attempt to steer the United States policy in a new and dangerous direction in violation of the Taiwan Relations Act and the "Six Assurances" to Taiwan. It clearly ignores recent resolutions and letters from Congress calling on the President to refrain from compromising Taiwan.

It is odd that the President, knowing full well that there is overwhelming Congressional opposition to his new position, chose to make his statement the way he did. In response to a question of whether the Sino-U.S. relationship would eventually eclipse the U.S.-Japan relationship, the President responded with a resounding endorsement of China's Taiwan policy. When Japan is reeling from an economic crisis and feeling snubbed by the President's refusal to visit Japan while in East Asia, the President not only failed to use this opportunity to reassure Japan that we see Japan as our friend and ally, but he deliberately went out of his way to imply that not only is China more important than Japan, but that we should turn our back on Taiwan as well.

So how does the White House justify this monstrous gaff? Why did the President do this? According to Mike McCurry, the President said these things for "no particular reason. He knew he would have the opportunity to do it, and the opportunity arose today."

That is just incredible. The President must learn to be more careful, because the world takes very seriously what he says. Whether it the First Lady announcing that Palestine should be a state or the President announcing that Taiwan should not be, the world reacts to these words, and it is irresponsible for the President to radically change U.S. foreign policy for no particular reason.

Once again, it falls to Congress to undo the damage. This resolution reconfirms America's policy of recognizing that the Chinese feel a certain way, without endorsing that position. It reaffirms the importance of the Taiwan Relations Act, and it reaffirms our commitments to the people of Taiwan and the democracy flourishing there.

This is a matter of vital principle for the United States, and I ask all of my colleagues to support H. Con. Res. 301.

Mr. Speaker, I might comment that the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations, was detained in traffic, but he does support the bill and will insert his statement in the RECORD at a later point in time.

Mr. DEUTSCH. Mr. Speaker, I ask unanimous consent that I may reclaim 2 minutes of the time on this side of the aisle.

The SPEAKER pro tempore (Mr. STEARNS). Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. The gentleman from Florida (Mr. DEUTSCH) is recognized for 2 minutes.

Mr. DEUTSCH. Mr. Speaker, I rise in support of this resolution. I think that it is clear the position of the Congress in terms of Taiwan. The Taiwan Relations Act is the law of the land.

I would differ with some of my colleagues on the other side of the aisle as to exactly what the President's statements meant. I think there is some ambiguity there, but I do not think this Congress should be ambiguous at all in our position in support of the continuation of what that law says. It is absolutely clear, the unanimous support that came out of the United States Senate. Hopefully we will see very large support on this side as well.

In the 6 years I have been in Congress, probably the most dramatic time that occurred was before the elections in Taiwan, when China made threatening comments and, to this country's credit, and to this Congress' credit and to the President's credit, a United States aircraft carrier was put in between those two countries. Really it was a reaffirmation of the Taiwan Relations Act.

By calling black "white" does not make it white. We are clear in terms of history the reality of what Taiwan is, and to say that it is not a separate entity and is part of China automatically does not make it part of China.

I think what is clear and what our position is is that the people of Taiwan are the people to decide what their future will be. If they choose at some point in time to enter into a direct relationship with the people of China, then that will be their choice. If they choose to continue their present status or if they choose some type of independent status, that is their choice to continue.

But I think this Congress, in terms of our role, in terms of supporting really democracies around the world, which is no clearer goal in terms of our foreign policy, when we cut through everything else in terms of what our goals as a country, as a society should be, those are goals we share.

I urge the support of all of my colleagues for the resolution.

Mr. Speaker, I rise in strong support of H. Con. Res. 301, a resolution affirming the United States' commitment to Taiwan.

I want to commend the Majority Whip, the distinguished gentleman from Texas, Mr. DELAY for introducing this timely resolution, and I am proud to be an original co-sponsor of this very important legislation.

It is absolutely critical that the House of Representatives make a strong statement in support of Taiwan—especially in light of President Clinton's regrettable comments during his recent visit to the People's Republic of China.

Despite any denials, it is clearly plain for all to see that the President was making a concession to the Chinese on the future of Taiwan. Though the policy shift might be regarded by some as slight, the Administration has clearly moved in the direction of accepting Beijing's position on the status of Taiwan.

This was virtuously a "sell-out" of one of the world's most vibrant democracies and sends a dangerous signal to other burgeoning democracies that might look to the U.S. for moral support.

The President should again review the Taiwan Relations Act, which is the law of the land. It makes no mention of peaceful "reunification." It calls only for the future of Taiwan to be determined by peaceful means.

The Presidents—Nixon, Carter and Reagan—have issued communiques spelling out U.S. policy towards China. None ever mentioned the new "Three No's."

The so-called "Three No's"—No independence for Taiwan; no two Chinas or one China, one Taiwan; and no U.S. support for Taiwan to join international organizations where statehood is a requirement for membership—are Beijing's policies—not ours.

At least they weren't until the President spelled them out in Shanghai. No U.S. president has ever made such a public statement with regard to Taiwan—especially not while standing on the Chinese mainland.

President Clinton's words will have a great impact on the future of Taiwan.

They may well embolden Beijing to continue to exercise another "No" that the President should have—but did not mention—no use of force.

The President's failure to mention this most important "No" only increases the likelihood that we will have to address this issue sometime in the future.

Regrettably, the President seems to have forgotten the storm clouds of conflict which covered the Taiwan Strait in the spring of 1996 when the Chinese launched missiles across the Strait into international air and sea lanes in an effort to influence the first democratic elections in Chinese history.

Also apparently forgotten was the deployment of two U.S. carrier battle groups and 15,000 American sailors and marines to the vicinity of the Taiwan Strait in response.

It was dismaying and disheartening to see that this Administration has opted to side with authoritarianism and oppression over democracy and freedom.

I would remind the Administration that the United States has never "accepted" Beijing's claims of sovereignty over Taiwan. It has only "acknowledged" the PRC's position. Until now.

Regardless of how the White House spins the President's statement, the Administration has now in effect recognized Beijing's version of a One China policy. The Chinese will not permit the President's statement to be forgotten.

The future of Taiwan must be settled peacefully and not by one side dictating terms to the other. Regrettably, the President's statement has seriously undermined the possibility for a peaceful resolution of Taiwan's future by severely weakening Taiwan's bargaining position and enhancing the threat of the use of force by the PRC.

At a minimum, the statement has limited Taiwan's options for participating in international fora to the detriment of Taiwan and the world community. Taiwan's future is a decision for the 21 million people of Taiwan to decide.

I regret the President's comments and I am concerned for the consequences they may bring. Accordingly, I urge my colleagues to support this important resolution. It deserves bi-partisan support. Let us tell the Administration and the Chinese that we stand resolute on Taiwan.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of this resolution, which expresses the sense of Congress, that Taiwan be recognized as a separate and distinct entity from the People's Republic of China.

The United States has had a working relationship with Taiwan for almost half a century. During that time, we have developed strong economic, political, and social ties with the government and people of Taiwan, and I hope that we will be able to continue that partnership over the next millennia.

Unfortunately, our relationship with Taiwan has undergone strains at certain times. We are in the unenviable position of trying to maintain relations with China, while they are trying to assert their sovereignty over that of the Taiwanese. A careful balance must be maintained, and measures such as this are often necessary to provide reassurances to one side. This is one of those occasions. However, I want to emphasize that the passage of this resolution does not signify an end of relations with China, but it does identify that we are acutely aware of the plight of our friends in Taiwan.

I look forward to making sure that these tensions in the East do not escalate to the level of war. We must remain vigilant during our negotiations with China and cannot allow unfettered acts of aggression to go unnoticed. We must also use the means available to us to convince China that peace is the only option available to them.

American interests in Taiwan are firmly entrenched, and need our protection. Many do not realize, that our trade with Taiwan eclipses that of other nations of which we are far more protective. We must do better than this. It is my hope that this resolution will send a signal to the Taiwanese government that we value their friendship, and will work actively to preserve their interest and ours.

I urge my fellow colleagues to support this resolution, for the well-being, not only of the people of Taiwan, but also for all the people of the region.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise in support of House Concurrent Resolution 301, which reaffirms the commitment of the United States to Taiwan under the Taiwan Relations Act.

I commend the authors of the resolution, the gentleman from Texas, Mr. DELAY, and the gentleman from Kansas, Mr. SNOWBARGER. I further commend the Chairman and ranking member of the House International Relations Committee, Mr. GILMAN and Mr. HAMILTON, and the Chairman and Ranking Member of the House International Relations Subcommittee on Asia-Pacific Affairs, Mr. BEREUTER and Mr. BERMAN, and our other colleagues that have worked toward adoption of this important measure. I am proud to join our colleagues in support of the legislation.

Mr. Speaker, the United States has had a long, close and enduring relationship with Taiwan dating back to the end of World War II. With our support, Taiwan has risen from the ruins of war to become one of the world's most compelling success stories.

Today, Taiwan has the 19th largest economy in the world, is America's 7th largest trading partner, and possesses tremendous foreign exchange reserves on a par with Japan. Taiwan has also made great strides toward democratization, with free and fair elections being held routinely at the local and national levels—culminating in the historic presidential election in 1996.

Clearly, Mr. Speaker, the people of Taiwan must be congratulated for the outstanding accomplishments of their thriving and prosperous democracy of 22 million people. All Americans should take pride in and share the achievements of our close friends.

When the stability of our friends in Taiwan was threatened by China in spring of 1996, I supported the actions taken by the Clinton administration in sending the Nimitz and Independence carrier groups to the Taiwan strait to maintain peace. China's missile tests and threatened use of force contravened China's commitment under the 1979 and 1982 Joint Communiques to resolve Taiwan's status by peaceful means. The Joint Communiques, along with the Taiwan relations act, are the foundation of our "One China" policy, which fundamentally stresses that force should not be used in resolution of the Taiwan question. Clearly it is in the interests of the United States and all parties that the obligation continue to be honored,

President Clinton's summit meeting in China achieved several important goals. In the process, however, I do not believe that the welfare and interests of the people of Taiwan were sacrificed.

The United States has shown in recent years that the use of force by China against Taiwan will not be tolerated. The legislation before us reaffirms that fact, and that the United States remains committed to the proposition that the Taiwan question should be resolved peacefully by the people on both sides of the Taiwan strait.

Mr. Speaker, I urge our colleagues to support House Concurrent Resolution 301.

The SPEAKER pro tempore. All time has expired.

The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res 301.

The question was taken.

Mr. BEREUTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1630

BORDER SMOG REDUCTION ACT OF 1998

Mr. BILBRAY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 8) to amend the Clean Air Act to deny entry into the United States of certain foreign motor vehicles that do not comply with State laws governing motor vehicle emissions, and for other purposes, as amended.

The Clerk read as follows:

H.R. 8

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Border Smog Reduction Act of 1998".

SEC. 2. AMENDMENT OF CLEAN AIR ACT.

Section 183 of the Clean Air Act (42 U.S.C. 7511b) is amended by adding the following new subsection at the end:

"(h) VEHICLES ENTERING OZONE NONATTAINMENT AREAS.—

"(1) AUTHORITY REGARDING OZONE INSPECTION AND MAINTENANCE TESTING.—No noncommercial motor vehicle registered in a foreign country and operated by a United States citizen or by an alien who is a permanent resident of the United States, or who holds a valid visa for purposes of employment or educational study in the United States, may enter a serious, severe, or extreme ozone nonattainment area from a foreign country bordering the United States and contiguous to such nonattainment area more than twice in a single 12-month period, if State law has requirements for the inspection and maintenance of such vehicles under the applicable implementation plan in the nonattainment area. The preceding sentence shall not apply if the operator presents documentation at the United States border entry point establishing that the vehicle has complied with such requirements that are in effect and are applicable to motor vehicles of the same type and model year.

"(2) SANCTIONS FOR VIOLATIONS.—The President of the United States may impose and collect from the operator of any motor vehicle who violates, or attempts to violate, paragraph (1) a civil penalty of not more than $200, except that in any case of repeated violations or attempted violations such penalty may not exceed $400.

"(3) STATE ELECTION.—The prohibition set forth in paragraph (1) shall not apply in any State which elects to be exempt from the prohibition. Such election shall take effect upon the President's receipt of written notice from the Governor of the State notifying the President of such election.

"(4) STATE ELECTION FOR OTHER NONATTAINMENT AREAS.—

"(A) IN GENERAL.—In the case of a State that is contiguous with a foreign country and that contains an ozone nonattainment area (other than an ozone nonattainment area to which paragraph (1) applies), such State may elect for the prohibition described in such paragraph to apply in the State, or may elect to establish in accordance with subparagraph (B) an alternative approach to facilitate the compliance, by motor vehicles registered in foreign countries and entering such nonattainment area, with the motor vehicle inspection and maintenance requirements in effect under the applicable implementation plan in the nonattainment area and applicable to motor vehicles of the same type and model year.

"(B) ALTERNATIVE APPROACH.—An alternative approach by a State under subparagraph (A) is established in accordance with this subparagraph if the Governor of the State submits to the President a written description of such approach and the President approves the approach as facilitating compliance for purposes of such subparagraph.

"(C) EFFECTIVE DATE REGARDING STATE ELECTION.—If a State makes an election under subparagraph (A) for an alternative approach, the alternative approach takes effect in the State one year after the date on which the President approves the approach. If the State makes the other election under such subparagraph, the prohibition described in paragraph (1) takes effect in the State 180 days after the President's receipt of written notice from the Governor of the State notifying the President of such election.

"(5) ALTERNATIVE APPROACH REGARDING SERIOUS, SEVERE, AND EXTREME AREAS.—In the case of a State containing an ozone nonattainment area to which paragraph (1) applies, paragraph (4) applies to the State to the same extent and in the same manner as such paragraph applies to States described in such paragraph, subject to paragraph (3).

"(6) DEFINITION.—For purposes of this section, a serious, severe, or extreme ozone nonattainment area is a Serious Area, a Severe Area, or an Extreme Area as classified under section 181, respectively, other than any such area first classified under such section after the date of the enactment of the Border Smog Reduction Act of 1998.".

SEC. 3. GENERAL PROVISIONS.

(a) IN GENERAL.—The amendment made by section 2 takes effect 180 days after the date of the enactment of this Act. Nothing in such amendment shall be construed to require action that is inconsistent with the obligations of the United States under any international agreement.

(b) INFORMATION.—As promptly as practicable following the enactment of this Act, the appropriate agency of the United States shall distribute information to publicize the prohibition set forth in the amendment made by section 2 and its effective date.

SEC. 4. STUDY BY GENERAL ACCOUNTING OFFICE.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the impact of the amendment made by this Act, as described in subsection (b).

(b) CONTENTS OF STUDY.—The study under subsection (a) shall compare the potential impact of the amendment made by this Act on air quality in ozone nonattainment areas affected by such amendment with the impact on air quality in the same areas caused by the increase in vehicles engaged in commerce operating in the United States and registered in, or operated from, Mexico, as a result of the implementation of the North American Free Trade Agreement.

(c) REPORT.—Not later than July 1, 1999, the Comptroller General of the United States shall submit to the Committee on Commerce of the House of Representatives, and the Committee on Environment and Public Works of the Senate, a report describing the findings of the study under subsection (a).

The SPEAKER pro tempore (Mr. STEARNS). Pursuant to the rule, the gentleman from California (Mr. BILBRAY) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. BILBRAY).

GENERAL LEAVE

Mr. BILBRAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 8, and to insert extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BILBRAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of the Border Smog Reduction Act of 1998.

Mr. Speaker, H.R. 8 is a bipartisan, common sense bill which will improve and protect both the environment and the public health by requiring the Federal Government to participate in the enforcement of existing air pollution control laws at our borders, laws which have been de facto mandated from the Federal level. At the heart of this bill is a basic issue of fairness, in addition to a clear opportunity to improve the public health and protect the air quality.

The chairman of the Subcommittee on Oversight and Investigations, the gentleman from Texas (Mr. BARTON) was an original cosponsor of the bill and brought back much information from Texas. I would like to point out the help I received from the gentleman from Florida (Mr. BILIRAKIS), and the gentleman from Virginia (Mr. BLILEY), both of whom provided encouragment and extensive work during this process. Their support has been second to none. I also appreciate the hard work of their staffs that they devoted to H.R. 8.

I would also like to thank my colleague, the gentleman from Texas (Mr. REYES), a new addition to this Congress, whose firsthand experience along the border has been extremely beneficial and has complemented the extensive input that I have received from the Customs and the INS agents in the San Diego region. I am also grateful for the support of my colleagues from the California delegation who have helped me out immensely in this process, and also my colleagues on the Committee on Commerce.

I would specifically like to thank my subcommittee colleagues who took the time away from their own districts and families to attend an informative field hearing on this issue which was held in San Diego on November 18, 1997: the gentleman from Florida (Mr. BILIRAKIS), the gentleman from Ohio (Mr. BROWN), the gentleman from Iowa (Mr. GANSKE), and the gentleman from Texas (Mr. GREEN).

I would also like to emphasize the ongoing dialogue that I have had with the Administration on this bill, specifically the Office of U.S. Trade Relations, and the Environmental Protection Agency. My dialogue with EPA Administrator Carol Browner and Assistant Administrator Richard Wilson dates back to the 104th Congress when I first introduced this legislation.

In meetings last fall, I received some very insightful and appropriate perspective from our Trade Representative, Ms. Barshefsky. In the time since, there has been what I would term a very productive and fruitful exchange with the Administration, which has helped to refine and polish H.R. 8 into the bipartisan legislation which was unanimously approved by voice vote on June 24 by the full Committee on Commerce.

I particularly appreciate assistant administrator Mr. Wilson's help on this item, who met with me and staff on May 20 of this year. At that meeting, we reviewed a modified draft of H.R. 8, which I had prepared and provided to him in advance, and which he and his staff agreed addressed a number of questions which EPA had previously expressed about the bill. In this meeting, Mr. Wilson stated to me that "if the bill as now written were to come before the President, we (EPA) would not recommend a veto." Mr. Wilson further stated that at that time the EPA would favor an "opt-in" approach for other States, which was in fact adopted during the committee consideration of H.R. 8.

I recognize and share the EPA's concerns about the "opening-up" of the Clean Air Act, and I would like to again state clearly my resolve, which has also been clearly stated by the gentleman from Virginia (Mr. BLILEY), that it is my intention, and also the intention of all of us who support it, to keep this bill as it currently is: a narrow, bipartisan rifle-shot to improve the Clean Air Act.

The Border Smog Reduction Act is a simple but practical bill, which will increase the overall effectiveness of our air pollution control strategies by providing the Federal Government with the authority, which it currently lacks, to help States enforce existing law. H.R. 8 will ultimately allow Customs officers to deny entry into the United States to foreign registered commuter vehicles which have not been brought into compliance with our emissions control requirements.

As the Customs officers have explained to me, this authority will be consistent with existing Customs pollution control requirements as they now pertain to vehicles which are being imported for sale. H.R. 8 provides ample opportunity for the operators of these commuter vehicles to have them brought into compliance prior to the law taking effect.

I would emphasize here that H.R. 8 is directed only at foreign-plated commuter vehicles driven into the United States each day by foreign nationals or U.S. citizens for the purpose of employment or education. It will be the responsibility of the drivers of the vehicles to demonstrate compliance with

applicable State laws, or risk fines and denial of access via that vehicle into the United States.

H.R. 8 does not specifically require the impoundment of vehicles; Customs officers already have that authority to do so under existing civil penalty procedures and can employ this at their discretion. Customs agents have told me that once this bill has been implemented, and border commuters are made aware of and understand the new requirements, it is unlikely that commuters with vehicles which are not in compliance will repeatedly attempt to drive those vehicles across the border. Those that do would eventually be denied access to the U.S., be subject to fines from Customs, and potentially to the impoundment of the vehicles in question, again at the discretion of the Customs agents, but only after repeated attempts to violate the law.

H.R. 8 will initially take effect in California only. However, it is not exclusively U.S.-Mexico border legislation. I specifically made certain that H.R. 8 extends enforcement authority to all border States that may at some point wish to take advantage of it, and allows them to have the flexibility to use it as they see fit, depending on the unique situations that exist and vary from State to State. Other border States which in the future may choose to take advantage of the authority provided them by this bill could adopt either the California program, or develop their own alternative in partnership with the Federal Government. However, the bill imposes no mandates or requirements on eligible border States.

Let me at this point again specifically thank the men and women of the Immigration and Naturalization Service and the Customs Department who actually man the ports of entry at San Ysidro and Otay Mesa, and whose expertise and perspective was essential in helping me to refine H.R. 8 since I first introduced the bill in the 104th Congress.

Mr. Speaker, I have here letters from the National Treasury Employees Union Chapter 105, and the American Federation of Government Employees Local 2805 in support of H.R. 8, and I would ask to include them in the RECORD at the appropriate time. I also have several other documents, including resolutions of support from the Air Pollution Control Districts of San Diego County, Riverside County, and San Bernardino County which I will include also in the RECORD:

NATIONAL TREASURY EMPLOYEES UNION, CHAPTER 105,
San Ysidro, CA, May 14, 1998.

Hon. BRIAN BILBRAY,
Forty-ninth Congressional District, Washington, DC.

DEAR CONGRESSMAN BILBRAY: On April 17, I met with you and your staff in San Diego regarding H.R. 8, the Border Smog Reduction Act. This meeting was to clarify questions about H.R. 8. It was also to determine if the everyday line inspectors thought the bill was workable and could be effectively implemented, without having a negative impact on the primary mission of Customs, drug interdiction, or creating longer traffic waits at the border.

In our meeting you clarified that this bill would only target, and be applicable to, foreign plated commuter vehicles being driven across the border by U.S. citizens, resident aliens, or aliens with a valid visa for purposes of employment or educational study in the United States. This bill would not impact vehicles which are properly registered in California as such vehicles already have emission certification. H.R. 8 would not affect the residents of Mexico who cross into and out of the United States on a daily basis, to do everyday business, nor would it affect tourists who come across the border to shop, visit friends or family and so forth.

We also talked about how H.R. 8 would work, and what the requirements of the Customs Inspector would be regarding the vehicles in question. It was further clarified that under the bill, the responsibility of the inspector would be to check if the vehicle was registered in California, therefore having smog certification. This could be done via computer or physically seeing proof of registration. If the vehicle was not registered in California the driver would have to show the inspector some documentation verifying smog certification. If it could not be proven that the vehicle in question was either registered in California or had smog certification, after the third attempt to enter the United States, the vehicle would be denied access to the United States and redirected to the country of origin.

We discussed the need for incorporation into the bill of a 60–90 day "grace" period, between the enactment of the bill into law and its actual implementation. This period would be used as an educational and awareness-raising process to inform the regular border commuters whose vehicles would be required to comply with H.R. 8.

Given the above understanding, implementation of H.R. 8 is a practical reality, and would simply build upon Customs' existing pollution control enforcement practices. Currently we are required to ensure that vehicles which are manufactured in Europe, Japan, Mexico, or elsewhere meet both United States and California auto emission and safety standards prior to being driven into the United States by United States citizens or foreign nationals residing in the United States.

If these vehicles are found not be in compliance, do not have the required safety features, such as safety glass, nor an Air Pollution Control device installed, they are returned to the country of origin. This is allowed to happen once. If a United States citizen, or foreign national residing in the United States, attempts to drive the vehicle in question across the border into the United States, and the vehicle cannot be shown, by physical inspection, to meet Department of Transportation safety standards nor have an air pollution device installed it is seized by Customs.

H.R. 8 would merely expand Customs existing authority to enforce air pollution standards, by requiring compliance of foreign-plated vehicles driven into the United States by United States citizens, or by foreign nationals with visas for purposes of employment or education. Based on our discussion and my own years of practical experience at the border, I believe that this bill can work and will serve to reduce air pollution from these cross border mobile sources. This bill will not result in excessive or unrealistic work load for individual Customs line inspectors. Nor will the bill interfere with our primary mission, seizure of narcotics or other contraband, or cause excessive traffic wait times. NTEU Chapter 105 still supports H.R. 8. Please let me know if I can be of additional assistance on this important matter.

Sincerely,

ROBERT CLARK,
President NTEU 105.

AFGE LOCAL 2805,
San Diego, CA, June 12, 1998.

Hon. BRIAN P. BILBRAY,
U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVE BILBRAY: On June 8, 1998, Local Vice President Anthony J. Cerone and I met with you at your San Diego office.

At that meeting we presented our affirmative position on H.R. 3251. That law would define "severe economic conditions" and establish a standard for formulating annual pay raises for federal employees under the Federal Employees Pay Comparability Act. This law would benefit San Diego County's 160,000 federal employees, our families, and the local economy. We are encouraged that you will support this critical piece of legislation.

You also introduced and explained H.R. 8, the Border Smog Reduction Act, to us. This Amendment to Section 183 of the Clean Air Act was authored by you. We believe this legislation would effectively eliminate a portion of the vehicle exhaust producing pollution at our international land ports of entry. Daily our immigration inspectors are exposed to high levels of these pollutants.

In August of 1997, the National Institute for Occupational Safety and Health (NIOSH), conducted a heath hazard evaluation at the San Ysidro, California, International Port Of Entry. That study determined that immigration inspectors are exposed to carbon monoxide levels that are ". . . above NIOSH criteria". We believe this U.S. government agency study conclusively supports your position in creating and introducing legislation, H.R. 8, that would protect our employees, our citizens, and our environment.

In behalf of the 3,000 employees of this local and those of the western region, I fully support this valuable piece of legislation and am committed to assisting you in its passage. If there is any further assistance I can render in your pursuit of this bill, please do not hesitate to contact me.

Sincerely,

R. MICHAEL MAGEE,
National Vice President, Western Region.

NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH (NIOSH)

INS INSPECTIONS AT THE SAN YSIDRO POE

In August of 1997, NIOSH representatives conducted a health hazard evaluation at the San Ysidro Port of Entry (POE). We looked into employee and management concerns about exposure to vehicle exhaust and noise. This sheet summarizes our evaluation and findings.

WHAT NIOSH DID

We focused on worker exposures in the primary and pre-primary inspection areas of lanes 1–24.

We tested the air for vehicle exhaust emissions. The specific chemicals we tested for were carbon monoxide, carbon dioxide, lead, and hydrocarbons (benzene, ethyl benzene, total xylenes, toluene, hexane, pentane, octane, and heptane).

We measured noise levels inspectors encounter during the day. We measured noise levels in each inspection booth.

We looked at the ventilation systems providing air to the 24 inspection booths.

We looked at the ventilation systems removing air from the 24 inspection lanes.

WHAT NIOSH FOUND

(The full report lists the actual chemical levels NIOSH found and explains how those chemicals may affect the health of the exposed employees.)

Inspectors were exposed to one-minute peaks of carbon monoxide that are above NIOSH critiera.

Job rotation reduced carbon monoxide exposures to acceptable levels for the whole work day.

The levels of carbon monoxide were higher in the pre-primary inspection area than they were in the primary inspection area.

Lead, carbon dioxide, noise, and hydrocarbon levels were below all exposure criteria.

The supply air to booths 1–24 is not balanced. Some booths get too much air, others don't get enough.

The exhaust air vents in lanes 1–24 is not strong enough to remove vehicle exhaust emissions.

WHAT TO DO FOR MORE INFORMATION

We encourage you to read the full report. If you would like a copy, either ask your health and safety representative to make you a copy or call 1–800–35–NIOSH and ask for HETA report # 97–0291–2681.

WHAT INS MANAGERS CAN DO

Local exhaust ventilation and booths should be built in the pre-primary inspection area.

INS inspectors should be limited to one 15-minute shift per day in the pre-primary inspection area until appropriate exhaust ventilation and booths can be built.

Any INS inspector who works for 15-minutes in the pre-primary inspection area should not work around automobile exhaust for any other part of the work shift.

The exhaust ventilation in lanes 1–24 should be increased to capture more vehicle exhausts.

The supply ventilation to the booths should be balanced so that air flow is equal in each booth. This should help reduce noise levels in some booths.

The set point on the canopy dilution fans should be lowered from 35 ppm to 25 ppm of carbon monoxide.

A hearing conservation program should be started for officers who qualify their weapons on a firing range.

An ongoing program of evaluating personal carbon monoxide exposures should be started.

WHAT INS EMPLOYEES CAN DO

Don't work for more than 15-minutes in the pre-primary inspection area, until local exhaust ventilation and booths can be built.

If you work in the pre-primary inspection area for 15-minutes, don't work in any other area of vehicle exhaust exposure for your entire work shift.

Spend as much time as possible in the booths when conducting inspections.

Pregnant workers, and workers with heart disease or respiratory disease are more susceptible to carbon monoxide. Consult your doctor about your personal situation.

Inspectors should avoid changing ceiling dampers in the booths.

Contact: Darren Pudgil/531–5511, Date: October 23, 1996

SUPERVISORS ENDORSE BILL REQUIRING VEHICLES CROSSING U.S. BORDER TO BE SMOG-CERTIFIED

San Diego—The county Board of Supervisors today took aim at regional air pollution, and voted to support federal legislation requiring U.S. Customs agents to deny entry to vehicles that do not meet California emission standards.

The bill (H.R. 8), introduced by Congressman BRIAN BILBRAY, would apply to those who possess a valid green card and commute to work regularly in San Diego. It would not apply to those who periodically cross the border for tourism- and commerce-related purposes.

"Our border with Mexico is a vibrant region, and our neighbors in Mexico are part of San Diego's economic vitality," said Congressman BRIAN BILBRAY, who testified before the Board. "However, that does not mean that environmental laws and standards should only be honored by San Diego commuters and ignored by commuters from Mexico. This legislation will allow Customs officials to enforce our clean air laws, so that we all breathe cleaner, healthier air."

"Air quality in San Diego County continues to be a high priority for this Board, and this bill will serve to improve air quality in the San Diego-Tijuana air basin," said Supervisor Greg Cox, who represents southern San Diego County, including the San Ysidro and Otay Mesa ports of entry.

In San Diego, the legislation would require Customs officials to inspect cars headed northbound for the proper emissions inspection sticker. If cars entering the United States have not been "smogged" to California air quality standards, drivers will be given written notice, and it will be recorded by Customs officials.

After the initial warning and notice, drivers without a properly smogged vehicle, who try to cross the border will be denied on the second attempt. Customs officials will be able to impound the vehicle and/or fine the driver on the third attempt to enter the U.S. with proper smog certification.

The bill is expected to be deliberated by Congress next spring.

MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT,
Victorville, CA, April 28, 1997.

Hon. BRIAN BILBRAY,
U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVE BILBRAY: Enclosed please find a Resolution of the Mojave Desert Air Quality Management District supporting a change in the law to require certain motor vehicles entering the United States on a regular basis to comply with California or other applicable state motor vehicles emission laws. The proposal has been introduced in H.R. 8 (Bilbray, Barton, Bono, Calvert, Condit, Cunningham, Filner, and Hunter).

The legislation is trying to address the problem created by the residents who live in the communities near the United States-Mexico border, register their vehicles in Mexico, and escape compliance with state motor vehicles emission laws. Many such residents cross the border on a daily basis for work, school, or travel extensively in the United States and who contribute substantially to the region's air pollution problems.

The legislation provides for education and then progressive enforcement. Enforcement would include giving of notice, imposing fines, and eventually impounding the noncompliant vehicles.

On behalf of the citizens of the Mojave Desert Air District, I am urging you to support H.R. 8 because it would help California comply with the requirements of the Federal Clean Air Act. If you have any questions, please feel free to call me or Fazle Rab Quadri, District Counsel, at 760/245–1661 extension 5034.

Sincerely,

LARRY BOWDEN,
Chair Mojave Desert AQMD.

Enclosure

A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT IN SUPPORT OF H.R. 8—BORDER SMOG REDUCTION ACT OF 1977.

On March 24, 1997, on motion by Member LOUX, seconded by Member WILSON, and carried, the following resolution is adopted:

WHEREAS, the Federal Clean Air Act (FCAA; 42 U.S.C. §§7401 et seq.) requires the designation of air quality control regions in regards to the National Ambient Air Quality Standards (NAAQS) (FCAA §107(d); 42 U.S.C. §7407(d)); and classification in regards to ozone and its precursors (FCAA §181(a); 42 U.S.C. §7511(a)) as promulgated by U.S. EPA; and

WHEREAS, many persons, either residing in the United States or in the border communities in Mexico register their motor vehicles in Mexico; and

WHEREAS, the San Diego Air Pollution Control District has found that roughly 70,000 communter vehicles registered in Mexico cross the border into the United States on a daily basis and produce thirteen percent (13%) of the region's total; air pollution; and

WHEREAS, many of these persons work, attend educational institutions or travel extensively within Southern California; and

WHEREAS, many of the motor vehicles utilized by these persons to commute and travel within Southern California do not comply with California standards for motor vehicle tailpipe emissions; and

WHEREAS, these unregulated, noncompliance motor vehicles are detrimental to the efforts of the local air districts to comply with the mandates of the FCAA; and

WHEREAS, motor vehicles emit Volatile Organic Compounds (VOC) and Oxides of Nitrogen (Nox) which are precursors to ozone formation; and

WHEREAS, nine percent (9%) of the VOC and nine percent (9%) of the Nox generated in the South Coast Air Quality Management District is attributable to non-commercial motor vehicles registered both in the United States and Mexico; and

WHEREAS, ten percent (10%) of the VOC and four percent of the Nox in the Mojave Desert Air Quality Management District (MDAQMD) is attributable to non-commercial motor vehicles registered in the United States and Mexico; and

WHEREAS, these detrimental effects are compounded within the MDAQMD due to the overwhelming impact of transported air pollution from upwind area; and

WHEREAS, area in the MDAQMD is designated non-attainment for NAAQS and classified Severe-17 for ozone thereby requires extensive efforts to reduce air pollution; and

WHEREAS, U.S. Representatives Brian Bilbray (R–49–CA), Joe Barton (R–6–TX), Sonny Bono (R–44–CA), Ken Calvert (R–43–CA), Gary Condit (R–18–CA), Randy (Duke) Cunningham (R–51–CA), Bob Filner (D–50–CA), and Duncan L. Hunter (R–52–CA) have introduced a bill H.R. 8, which would amend the FCAA to allow the denial of entry into the United States by certain foreign motor vehicles that do not comply with State laws governing motor vehicle emissions; and

WHEREAS, the enactment of H.R. 8 would benefit all non-attainment areas in border regions of the United States as well as those areas directly impacted by transported air pollution from such non-attainment areas.

NOW THEREFORE BE IT RESOLVED that the Governing Board of the Mojave Desert Air Quality Management District respectfully urges the California delegation to support and the United States Congress to enact H.R. 8 or other legislation which lessens the impact upon non-attainment areas of foreign motor vehicles which do not comply with State laws governing motor vehicle emissions.

PASSED, APPROVED AND ADOPTED by the Governing Board of the Mojave Desert Air Quality Management District.

I, Linda Beck, Clerk of the Governing Board of the Mojave Desert Air Quality Management District, hereby certify the foregoing to be a full, true and correct copy of the record of the action as the same appears in the Official Minutes of said Governing Board at its meeting of March 24, 1997.

CLERK OF THE GOVERNING BOARD,
MOJAVE DESERT AIR QUALITY MANAGEMENT District,
RIVERSIDE COUNTY BOARD OF SUPERVISORS,
Riverside, CA, June 16, 1997.

Hon. MICHAEL BILIRAKIS,
Chairman, House Commerce Subcommittee on Health and Environment, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN BILIRAKIS: The Riverside County Board of Supervisors supports legislation introduced by Congressman Bilbray which would amend the Clean Air Act to deny the entry of certain foreign motor vehicles which do not comply with State laws governing motor vehicle emissions.

Congressman Bilbray's H.R. 8 would assist the County in its efforts to reduce air pollution from motor vehicles and ensure greater public health and environmental protection resulting from cleaner air. Many vehicles crossing the border from Mexico do not meet State and local Federal air quality requirements control standards. The support of the Federal government would be beneficial to local agencies such as the County in its attempt to enforce State laws regarding vehicle emissions and emission controls, inspections, and State vehicle registration laws. Additionally, this legislation would improve the region's air quality, moving the County a step closer in meeting the requirements of the Clean Air Act.

Please take action as soon as possible on Congressman Bilbray's measure or similar legislation which would prohibit the entry of foreign motor vehicles which fail to comply with State laws on motor vehicle emissions.

Sincerely yours,
ROGER F. HONBERGER,
Washington Representative.

RESOLUTION 97–130

SUPPORTING THE BORDER SMOG REDUCTION ACT OF 1997

Whereas, the Environmental Protection Agency requires States to adopt vehicle emissions standards to attain healthful air quality; and

Whereas, States have implemented these standards through the smog certification process coupled with vehicle registration; and

Whereas, foreign residents who commute to work or to school in the U.S. are required to register their vehicles in their State of employment in order to comply with applicable clean air laws; and

Whereas, due to lack of enforcement, many of these commuters drive cars which do not meet the smog standards required by the State in which they work or study; and

Whereas, a study by the San Diego Air Polution Control District identified that commuter vehicles that cross the border on a regular basis produce 13% of the region's total vehicle air pollution; and

Whereas, the emissions produced by these vehicles is detrimental to the efforts of otherwise stringent compliance plans; and

Whereas, proposed legislation would require border commuter vehicles to meet emissions standards or be denied access into the U.S.; now therefore,

Be it resolved that the Board of Supervisors of the County of Riverside, State of California, assembled in regular session on May 27, 1997, does hereby support the Border Smog Reduction Act of 1997; and be it further

Resolved that the Clerk of the Board forward copies of Resolution 97–130 to the County's Washington Representative for distribution to appropriate members of Congress, Congressional staff and committees.

[From the San Diego Union-Tribune, Oct. 26, 1996]

IMPORTED SMOG—VEHICLES FROM MEXICO ADD TO PROBLEM

With California cracking down on smog-belching vehicles in its Smog Check II program, government must make sure that commuters who live in Baja California but work on this side of the border also comply with state emission limits.

Currently, Mexican residents and Americans who live in Baja are supposed to register their vehicles here if they work on this side of the border. That means they are supposed to comply with California's smog standards.

But many don't, because the rules are not well enforced. Many daily commuters drive cars registered in Mexico. And some U.S. residents register their cars in Mexico to avoid smog inspections and costly repairs in California.

A study by the San Diego Air Pollution Control District showed that about 7,000 vehicles with Mexican plates, driven by commuters, cross the border each day. These cars and trucks produce 13 percent of the total vehicle air pollution in our county. That's an astounding figure. Something needs to be done about it.

The county Board of Supervisors this week endorsed legislation by Rep. Brian Bilbray, R-Imperial Beach, that would allow federal border inspectors to crack down on cars that are registered in Mexico but are driven by people who work north of the border. Bilbray, who is running for re-election, says border inspectors already have the computer technology to make such checks.

This is a good idea, one that Congress should pass next year. If U.S. residents who properly register and maintain their cars must comply with our state's rigorous smog standards, then those who come here to work from Mexico must too.

[From the San Diego Union-Tribune, Nov. 19, 1997]

BORDER TOUR BOOSTS BILL TO COMPEL REGISTRATION OF MEXICAN CARS HERE

(By Steve La Rue)

Congressmen from Florida, Ohio, Iowa and Texas stood in clouds of auto exhaust at the San Ysidro border crossing yesterday and said they understood what Rep. Brian Bilbray, R-Imperial Beach, has been talking about.

They voiced support for Bilbray's bill to allow federal officers at the border to enforce a law that requires commuters from Mexico to register their vehicles in California.

The measure also would have the effect of requiring these vehicles to have smog checks every two years. Vehicle-related air pollution could be cut as much as 13 percent as a result, studies suggest.

"Existing law requires international commuters to have their cars registered and smogged (in California), and that law is not being enforced," Bilbray said.

"With economic opportunities should also come environmental responsibilities."

The occasion was a morning border tour for five members of the House Commerce Subcommittee of Health and the Environment, who later met at the County Administration Center to hold the bill's first formal hearing.

Bilbray's bill would allow the U.S. Customs Service to impound vehicles registered in Mexico and fine their drivers if they attempt to commute into the United States in cars that do not meet emission standards. The drivers would get two warnings before their cars were impounded.

The law would affect at least 7,000 of the roughly 45,000 vehicles that cross the border at San Ysidro each day, said Rudy Camacho, Customs Service director for Southern California. Tourists would be exempt.

Mexican-registered vehicles produce disproportionate volumes of smog, experts say, because many are not engineered to comply with California standards or are not well-maintained or have been stripped of smog control devices.

Currently, federal border officers have no power to detain drivers of Mexican-registered vehicles on environmental grounds, Camacho said.

Subcommittee Chairman Mike Bilirakis, R-Fla., said, "We don't want to do anything to prevent Mexican nationals from coming here and making their living."

But the U.S. environmental laws "are tough on our own citizens and, darn it, ought to be just as tough on those who cross the border and make a living here," he said.

Bilbray's bill is expected to clear the subcommittee next year.

[From the San Diego Business Journal, Nov. 24, 1997]

BILBRAY URGES CRACKDOWN ON TRANSBORDER POLLUTERS—BILL WOULD STOP VEHICLES AT BORDER TO PROTECT AIR

(By Pat Broderick)

Shocked. That's how U.S. Rep. Brian Bilbray described the reactions of congressmen who accompanied him Nov. 18 on a tour to examine transborder air pollution.

"This morning, we saw gross polluters," the San Diego Republican said in an interview following the tour. "We watched smog and pollution flying out of vehicles (crossing the border).

"It was eye-opening for the members of Congress who came. Anyone with a pair of eyes or a nose will understand that this pollution needs to be addressed."

He was accompanied by Congressmen Mike Bilirakis, R-Fla., chairman of the House Commerce Subcommittee on Health and the Environment; Greg Ganske, R-Iowa; Sherrod Brown, D-Ohio; and Gene Green, D-Texas. They were briefed by U.S. Customs Service officials during the tour.

Bilbray said he is trying to shore up support for HR-8, the Border Smog Reduction

Act he's cosponsoring, along with Congressmen Joe Barton, R-Texas; Sonny Bono, R-Calif.; Ken Calvert, R-Calif.; Gary Condit, R-Calif.; Randy Cunningham, R-Calif.; Bob Filner, D-Calif.; and Duncan L. Hunter, R-Calif.

Introduced Jan. 7 in the House of Representatives, HR-8 would amend the Clean Air Act to deny entry into the United States to any foreign vehicle that doesn't comply with state laws governing motor vehicle emissions.

Currently, Bilbray said, there is nothing customs officials can do to stem the rising tide of polluting vehicles.

"Technically, people who are coming to work with unregistered cars are in violation of existing statutes," Bilbray said. "But customs agents who have witnessed this are not authorized to turn cars back. They have no authority to address any of those environmental issues."

Consequently, he said, the lack of enforcement has led to a critical pollution problem.

According to a fact sheet on HR-8:

A study by the San Diego Air Pollution Control District found that, in San Diego County, some 7,000 commuter vehicles registered in Mexico cross the border on a daily basis. The commuter population alone produces 13 percent of the region's total vehicle air pollution.

Mexican residents, including some Americans who live in Mexico but commute to work or to school in the United States, are required to register their vehicles in their state of employment to comply with clean air laws.

Due to lack of enforcement, many of these commuters drive cars that don't meet the smog standards required by the state in which they work or study.

A majority of these cars are registered in Mexico, some by U.S. residents who do so to avoid expensive vehicle emission control inspections and repairs required by the state, according to the fact sheet.

"I have neighbors who had done this," Bilbray said.

HR-8, he said, would give commuters three chances to come into compliance with the law.

Noncomplying Mexico-registered vehicles would be noted in the computer at the U.S. border point of entry and the driver would be warned.

Drivers who attempt to enter the United States more than twice in a single 12-month period would be found in violation of the law, and be subject to a fine of $200.

If the fine isn't paid at the time entry is attempted, customs would be authorized to impound the car until the fine is paid.

But Peter M. Rooney, secretary for the California Environmental Protection Agency, said that impounding cars isn't the answer.

Rooney recalled the march last year of 15,000 irate Californians to the state Capitol building when they heard rumors their cars could be impounded for smog check violations.

"It was an all-day rally, a cross-section of California," he said, "solid citizens who felt deeply that confiscating people's cars is not the proper way for government to respond to social issues."

Pointing to the fact that California has the nation's strictest pollution standards for autos, he said, "We don't exclude others from coming in."

As for possible solutions, Rooney said he expected that new cars being sold in Mexico are of higher quality than older ones, potentially easing the cross-border problem. The cleaner California fuel, he added, also could have an impact.

"If American petroleum companies start selling fuel in Tijuana and Mexicali, we have the opportunity to have fuels that are formulated for California to be sold there and get the benefit."

Overall, Rooney said, there only is so much a state can do to ensure air quality.

"I don't think the state of California is in a position to step into an area that has a cross-border jurisdiction," he said. "We do have the duty to our citizens to make the air as clean as possible. But there are certain limits to what we can do.

"We hope the citizens of San Diego will maintain their vehicles at a level that is in the best interest of everyone, and that the fuel in this state is cleaner fuel. But on the other side of the border, it's out of our control."

Meanwhile, Bilbray said he hoped that the shocked response of his fellow congressmen during the tour will lead to bipartisan support of the bill, and perhaps, action by March.

"Without this bill, you've got a huge gaping hole in air pollution strategies," Bilbray said.

[From the San Diego Daily Transcript, Nov. 19, 1997]

BILBRAY PUSHES FOR LAW ON BORDER EMISSION STANDARDS

(By Chris Diedoardo)

SAN YSIDRO.—Although thousands of illegal immigrants and hundreds of pounds of illicit narcotics cross the border with Mexico every year, Rep. Brian Bilbray, R-San Diego, has declared war on a new enemy; smog.

"Gentlemen, this is what we call no-man's land," Bilbray said to a group of congressmen visiting the clogged vehicle intake lines at the San Ysidro border crossing on Tuesday. "While we generally don't think of the U.S. Customs Service as an environmental agency, they really need to be."

The delegation was in town to drum up support for H.R. 8, which is intended to bar Mexican vehicles from the U.S. that don't meet California's emissions standards.

"Current air pollution laws say if you work in San Diego, your car is supposed to be smogged in San Diego County," Bilbray said.

Unfortunately, since the U.S. Customs Service currently lacks authorization to inspect incoming vehicles to determine if they are in compliance, Bilbray said thousands of commuters from Mexico are evading the regulatory net.

"With the rights of economic opportunity come environmental responsibilities," Bilbray said. "And you have a lot of U.S. residents that register their cars in Baja California to avoid California's regulations.

"There's a real fairness issue here when California and the Environmental Protection Administration are talking about stricter smog regulations and yet you've got people who aren't playing by the rules now."

Under the provisions of the bill, drivers who couldn't produce proof the vehicle was in compliance with state law the first two times they crossed the border would be given verbal warnings. On the third attempt, they would be denied entry and either fined or face the impound of their vehicle.

Although tourists and those visiting relatives would be exempt from the proposed requirements, some observers wonder if it will be viewed as another de facto barrier between the two nations.

Bilbray dismissed such suspicions as groundless.

"Anybody can take anything as an 'anti-' measure," he said. "It's a pro-environmental measure.

"No matter what country you come from the laws ought to be enforced and the environment protected."

According to a recent study by the San Diego Air Pollution Control District, 7,000 commuter vehicles cross at San Ysidro and Otay Mesa every day. In the district's view, that traffic accounts for 13 percent of the region's air pollution.

But others question whether Bilbray is trying to cage the wind.

"There's a reason behind registering the car in Tijuana and not in the U.S. and it's an economic reason," said Lourdes Sandoval, a spokeswoman for the Mexican Consulate in San Diego, who added that those factors would probably preclude most commuters from bringing their vehicles up to code.

"It will be very difficult to enforce," Sandoval said. "And the amount of people that would be covered under this bill is so small that I don't think it would affect the pollution in San Diego."

Another concern is the additional burden the bill would place on customs officers, who already must deal with between 40,000 and 45,000 cars per day.

"It would take a little extra time," said Bobbie Cassidy, a spokeswoman for the customs service, as she pointed to the seemingly endless lines of vehicles waiting to enter the U.S. Tuesday morning. "But you can see what a little extra time with each car would create."

Rudy Camacho, director of the San Diego field office, said he agreed but that the problem would be mitigated with the passage of time.

"It will be interesting," Camacho said. "Initially, it will be a time-intensive operation which would drop off as people learned the requirements."

However, Bilbray wants to give Camacho and his officers some high-tech help, courtesy of Tucson-based Remote Sensing Technologies.

The Tucson-based firm manufactures remote emissions sensors, which can determine how much carbon monoxide a vehicle is releasing into the atmosphere.

Under Bilbray's plan, one or more of the devices would be installed in the secondary inspection area, where they would function as a secondary line of defense.

"You cannot fool the system," said Niranjan Vescio, RST's director of marketing. "There are many pieces of information it looks for before it makes a judgment."

However, as the sensors were being demonstrated several customs officers were busy in the secondary inspection area in pursuit of a different type of information.

Though the timing was ironic, it offered Camacho a golden opportunity to state what his agency's main priority was.

"I don't want my boys looking for emissions when they should be looking for dope," he said, after several agents seized 177 pounds of marijuana hidden inside a car's tires and behind the dashboard.

[From the San Diego Union-Tribune, June 25, 1998]

PANEL OKS BILL TO CURB BORDER'S SMOG-BELCHERS

(By Dana Wilkie)

WASHINGTON.—It soon could be easier to crack down on smog-belching cars that come from Mexico into San Diego County under a bill that passed a key House committee yesterday.

The legislation by Rep. Brian Bilbray, R-Imperial Beach, would let border agents fine drivers and eventually impound cars if the vehicles were not registered in California with proper smog-check certification.

As "someone who's lived with all these (pollution) problems my whole life, I'm excited" about passage of the legislation, Bilbray told the House Commerce Committee, which approved his bill on a unanimous voice vote.

"For those of us along the frontier, we felt for so long that nobody gave a damn, that it was sort of like this part of America was sold out," he said.

The legislation, which applies only to California, requires approval of the full House, and then would move to the Senate. Final action is unlikely until late summer or early fall.

Mexican-registered vehicles produced disproportionate volumes of smog, experts say, because many are not engineered to comply with California standards, are not well-maintained or have been stripped of smog-control devices.

Bilbray's legislation would affect at least 7,000 of the estimated 45,000 vehicles that cross the San Diego-Tijuana border each day. Drivers would get two warnings before their cars were impounded.

Bilbray, a member of the committee, said fines and impoundments of smog-belching cars could cut vehicle-related air pollution as much as 13 percent.

California law already requires international commuters to have their cars registered in California and checked every two years to make sure that emissions do not exceed California limits.

Federal border agents, however, have no power to detain drivers of Mexican-registered vehicles on environmental grounds. Bilbray's legislation, HR-8, would give them that authority.

The congressman said it is simple for agents to ensure that border commuters have had smog checks simply by entering license plate numbers into a computer database.

Some lawmakers said they were concerned that the bill does not address commercial vehicles, only passenger cars. A Bilbray aide explained that including commercial vehicles would open "a Pandora's box of problems" which could hinder cross-border commerce under the North American Free Trade Agreement.

Rep. Ron Klink, D-Pa., expressed worry that Bilbray's legislation might distract border agents from the more pressing duties of intercepting illegal drug traffic and illegal immigrants.

"I have concerns about the smog coming from the tailpipes of these vehicles, but in the whole scheme of things it seems . . . less of a priority," Klink said.

Bilbray assured him that U.S. Customs Service agents do not believe that the legislation would create "unacceptable or unrealistic workloads . . . nor interfere with" the interception of illegal drugs and illegal immigrants.

[From Environment & Energy Mid-Week, June 25, 1998]

BORDER SMOG BILL WINS BIPARTISAN BACKING IN HOUSE COMMERCE MARKUP

(By Neil Franz)

Rep. Brian Bilbray (R-Calif.) succeeded on Wednesday in gaining the support of key Democrats for an amended version of the Border Smog Reduction Act, and the House Commerce Committee was at press time preparing for what seemed a noncontroversial final vote. Addressing concerns of "opening up" the Clean Air Act, which H.R. 8 amends, Chairman Tom Bliley (R-Va.) pledged to do everything in his power to keep the bill narrow and suggested the House leadership proceed on the floor under suspension of the rules.

Written by Bilbray, who represents the San Diego area, H.R. 8 changes the CAA to deny entry into the United States any foreign vehicles that do not comply with state laws governing motor vehicles emissions. Some Mexicans, as well as Americans, who live in Mexico but commute to the United States are apparently ignoring the federal law's directive to have their vehicles registered in their working state—controlling the tailpipe emissions being the focus—because federal agents are not permitted to enforce the mandate, Bilbray said. State officials do not have authority at the border on the issue, while Mexico is notoriously loose in comparison on environmental standards.

The bill "makes a great deal of sense," said Rep. Henry Waxman (D-Calif.).

Resulting from a number of concerns expressed at a June 19 subcommittee markup, Bilbray added a major qualification: the legislation only applies to the California border and states may choose to "opt in" on the mandates of H.R. 8, not "opt out." States may also choose to develop their own plan to address the problem, subject to approval of the president. The U.S. Environmental Protection Agency and many Democrats had noted serious reservations about the broader implications of the original H.R. 8; Michigan Rep. Bart Stupak (D) sought to exempt all states bordering Canada, where air pollution is less of a concern.

[From Regulation, Law & Economics, June 25, 1998]

HOUSE PANEL OKS BILL TO BAR U.S. ENTRY OF CARS INTO OZONE NONATTAINMENT AREAS

(By Cheryl Hogue)

Federal border crossing officials could prevent cars from regularly crossing from Canada or Mexico into U.S. areas that violate federal ozone standards, under legislation approved June 24 by the House Commerce Committee.

Under its carefully worded provisions, only California would automatically be covered by the bill (H.R. 8). But other states ask to be covered, according to the bill, which was approved by voice vote.

The prohibition would apply only to cars crossing into U.S. regions contiguous with ozone nonattainment areas in states requiring inspection of tailpipe emissions, according to the measure. It would apply only to noncommercial vehicles that go over the border more than twice during any 12-month period.

As introduced, the bill applied to both Canada and Mexico. But the Commerce Subcommittee on Health and Environment amended the bill to apply to "a foreign country bordering the United States . . . other than Canada."

But the bill's sponsor, Rep. Brian Bilbray (R-Calif.), offered an amendment, adopted by the full committee in a voice vote, that would make no exception for cars coming from Canada. But the amendment also narrowed the legislation to apply automatically only to states with an I/M program and to nonattainment areas classified as serious, severe, or extreme. A Bilbray staffer said only California now meets all these criteria.

ELECTION OF COVERAGE

Bilbray said H.R. 8 is aimed at commuters who live in Mexico and work in California. However, he said, the bill allows other border states with I/M programs voluntarily to elect to have the prohibition apply to their ozone nonattainment areas not classified as serious, severe, or extreme but that are contiguous to the border.

Under Bilbray's amendment, a state electing this coverage could also come up with "an alternative approach" to its I/M program "to facilitate compliance by motor vehicles registered in foreign countries." This alternative approach would have to be approved by the federal government before border agents would begin turning cars away, according to the amendment.

Bilbray said these alternative plans could apply to emissions from commercial vehicles—as well as noncommercial ones—registered in a foreign country.

IMPLEMENTATION

Bilbray said unions representing border patrol employees have told him in writing that the bill could be implemented in California without increasing agents' workloads, distracting them from seizing illegal drugs, or causing excessive lines at border crossings.

For each vehicle crossing the border now, license plate numbers and the jurisdiction issuing the plate are entered into a computer, Bilbray said. Border patrol computers are already linked to the California data base for emission inspections, he said, so that checking whether a foreign-registered car had passed a California emission inspection would be automated.

Under current federal law, U.S.-border agents can stop entry into California of cars that have not passed state emission inspections only if the vehicles will be sold in the state, Bilbary said.

CLEAN AIR ACT AMENDMENT

H.R. 8 would add a new provision to Section 183 of the Clean Air Act.

California Rep. Henry Waxman, the senior Democrat on the Commerce Committee, said he did not want the bill to be "a vehicle for other Clean Air Act amendments."

Rep. Thomas Bliley (R-Va.), chairman of the Commerce Committee, said he would do everything he could "to see that this bill is not expanded in any way."

Bilbray said he, as author of the legislation, wants the bill to remain as narrow and focused as possible.

NAFTA EFFECT ON AIR QUALITY

The committee also adopted by voice vote an amendment to H.R. 8 that would require the General Accounting Office to study the effects of the North American Free Trade Agreement on air quality around the border. Rep. Sherrod Brown (D-Ohio) offered the amendment.

Brown said his amendment was not designed to prejudge NAFTA's environmental effects. However, the trade deal has significantly increased traffic, especially commercial vehicles, crossing the U.S.-Mexico border, he said.

[From Environment & Energy Weekly, July 6, 1998]

BILBRAY, BLILEY PREP SMOG BILL FOR QUICK FLOOR VOTE

(By Neil Franz)

A fast-moving House bill would amend the Clean Air Act, a legislative move feared by most environmental groups. But after winning bipartisan backing on June 24 for the Border Smog Reduction Act and easily clearing the measure from the full House Commerce Committee, Chairman Tom Bliley (R-

Va.) pledged to do everything in his power to keep H.R. 8 clean and narrow. He, along with Health and Environment Subcommittee Chairman Michael Bilirakis (R-Fla.) and the bill's author, Rep. Brian Bilbray (R-Calif.), also suggested the House leadership proceed under suspension of the rules for a quick floor vote.

What happens if H.R. 8 reaches the Senate floor, though, is beyond Bliley's reach, he said. Democrats on the panel continually expressed their concerns about seeing the bill transform into a vehicle for "opening up" of the CAA.

Introduced early last year by Bilbray, who represents the San Diego area, H.R. 8 changes the act to deny entry into the United States any foreign vehicles that do not comply with state laws governing motor vehicle emissions. Some Mexicans, as well as Americans, who live in Mexico but commute to the United States are apparently ignoring the federal law's directive to have their vehicles registered in their working state—controlling the tailpipe emissions being the focus—because federal agents are not permitted to enforce the mandate, Bilbray said. State officials do not have authority at the border on the issue, while Mexico is notoriously loose in comparison on environmental standards.

The bill would therefore allow federal agents to enforce the states' standards for non-commercial vehicle emissions, thus helping to reduce smog. (Bilbray said he wishes to address the noncompliance of commercial vehicle emissions crossing the border at another time.) The CAA now only allows federal agents to prevent vehicles not registered in the states from crossing the border for sale.

The bill "makes a great deal of sense," said Rep. Henry Waxman (D-Calif.).

A study by the San Diego Air Pollution Control District found that roughly 7,000 commuter vehicles registered in Mexico cross the border every day. The study further said this Mexico commuter population produces, by itself, 13 percent of the region's total vehicle air pollution. The California Air Resources Board of the state's Environmental Protection Agency has pledged its support for the legislation, as have the Southern California unions of federal border officials, Bilbray said.

Resulting from a number of concerns expressed at a June 19 subcommittee markup, Bilbray added a main criterion to the bill: the legislation only applies to the California border and states may choose to "opt in" on the mandates of H.R. 8, not "opt out." States may also develop their own plan to address the loophole in the CAA, subject to approval of the president. The U.S. Environmental Protection Agency and many Democrats had noted serious reservations about the broader implications of the original H.R. 8; Michigan Rep. Bart Stupak (D) sought to exempt all states bordering Canada, where air pollution is less of a problem.

[From the Union-Tribune, June 27, 1998]

SMOG INTERVENTION—BILL WOULD AIM AT NABBING MEXICAN POLLUTERS

As the largest city on the border, San Diego suffers disproportionately from the growing volume of air pollution generated by Mexican-registered vehicles that lack adequate smog controls. That's why San Diegans should cheer the House Commerce Committee's approval this week of a bill by Rep. Brian Bilbray, R-Imperial Beach, to crack down on Mexican-registered polluters.

California law requires Mexican-based autos that commute daily into the state to meet California emission standards. Most of these vehicles are owned by workers who live in Mexico but have jobs in California. They include both American and Mexican nationals.

The problem, however, is that U.S. border agents have no legal authority to stop border commuters who lack California smog-check certificates. Bilbray's legislation would close that enforcement loophole, empowering U.S. agents to impound the vehicles of border commuters who are repeat offenders of California's air pollution laws.

He estimates the crackdown on Mexican-based polluters would curb vehicular smog in San Diego by as much as 13 percent—a very significant amount, considering that autos account for the lion's share of our air pollution.

With the Commerce Committee's approval of the bill, it is expected to win passage on the House floor later this year. But it has no champion in the Senate. Without one, it will die when Congress adjourns in the fall.

Bilbray's proposal applies to border crossings in California only. Thus the only senators with a stake in it are California Democrats Dianne Feinstein and Barbara Boxer. Our hope is that they will team up to win Senate approval of the House bill so that San Diegans can breathe a bit easier.

Mr. BILBRAY. Mr. Speaker, I would also like to emphasize my appreciation for the cooperation and assistance which has been provided by the California Air Resources Board and the California EPA. The support and the perspective of these agencies have been invaluable in this process.

With the increased enforcement under H.R. 8, gross-polluting vehicles will be either repaired and brought into compliance, or simply left parked in the driveway. This will have the initial direct effect of removing the disproportionately high emissions of these vehicles from our air, and hopefully the long-term, indirect effect of increasing binational use of San Diego's public transit system which runs directly to the border. In both situations, the health of the people of both San Diego and Tijuana benefit, particularly vulnerable populations like children and the elderly, as does the environment of the entire region.

Mr. Speaker, I urge the support of my colleagues for this common sense and fair piece of legislation named H.R. 8, the Border Smog Reduction Act of 1998.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to express my support for H.R. 8, the Border Smog Reduction Act. I would like to thank the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from California (Mr. BILBRAY) for working with me, with the gentleman from Michigan (Mr. DINGELL) and with the gentleman from California (Mr. WAXMAN) during the Committee on Commerce's consideration of H.R. 8 to make several important improvements in the legislation.

During consideration of this legislation by the Committee on Commerce, my colleagues agreed to an amendment which I offered to study the effects of the North American Free Trade Agreement on air quality in communities along the United States-Mexico border. The provision requires the General Accounting Office to conduct a study comparing the potential effect of this legislation on air quality in ozone nonattainment areas with air quality in these same areas caused by vehicles registered in or operating from Mexico as a result of implementation of NAFTA.

In November of last year, the Subcommittee on Health and the Environment held a field hearing in San Diego to hear from witnesses on the effect of transborder air pollution caused by commuter vehicles on the air quality of our border region. While in San Diego I had the opportunity to see firsthand the thousands of trucks, many owned by American corporations, crossing our border, most of the time without inspection. Four years after the passage of NAFTA, environmental conditions on the Mexican border have further decayed, air and water quality in particular.

It is difficult to imagine that increased commercial truck traffic, much of it brought on by NAFTA, is not adding significantly to the nonattainment problems in southern California. Many of us argued during the NAFTA debate that this agreement would bring more air and water pollution to an already troubled area. Nothing at that time was done inside the parameters of the NAFTA agreement.

I am hopeful that our proposed GAO study will shed some light on the effect this increased traffic under NAFTA is having on air quality in our border areas. Should this study conclude that the North American Free Trade Agreement has, in fact, added to the ozone nonattainment problem in areas like San Diego, I am hopeful my colleagues will work with me to address this situation.

As passed by the House Committee on Commerce, H.R. 8 will allow States with serious ozone nonattainment areas located on our southern border to require foreign registered vehicles entering these areas to meet State or local vehicle emissions standards. The legislation would prohibit entry into the United States of vehicles which do not meet these standards more than twice in a one-year period. H.R. 8 would allow other States located along the border the option of designing an alternative approach to requiring foreign registered vehicles to comply with States' vehicle emission requirements.

Again, I would like to thank my colleagues on the Committee on Commerce for working with me to address

the concerns that many of us had with this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. BILBRAY. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. LEWIS), the dean of the California delegation.

Mr. LEWIS of California. Mr. Speaker, I appreciate my colleague for this very thoughtful piece of legislation. I appreciate the gentleman from Ohio (Mr. BROWN), the ranking member of the subcommittee, for his assistance as well as this bill has gone forward.

There is something wrong with this picture, Mr. Speaker and Members. First, I think most people understand that particularly in the summer months, citizens in southern California become especially concerned about our air. As the weather warms up, something seems to be ever present, and oftentimes in my own valley in San Bernardino County one can hardly see the mountains. Yet over the years we have made very significant progress as it relates to cleaning the air, particularly cleaning the impact upon the air that comes from mobile sources.

□ 1645

The American automobile newly produced today is a clean automobile, and yet shift the scene just a bit to the south. Cars and trucks standing in line in both directions on the border puffing smoke, and the air can absolutely be cut with a knife at this time of the year.

To suggest that those vehicles that are commuting across our border should not meet the same standards required by American vehicles is absolutely not acceptable. This legislation will take a significant step in the direction of solving that problem.

Currently, California law requires that foreign-plated vehicles which commute daily into the State must meet California vehicle standards. However, the law is not being enforced by Federal agents at the border who do not have the authority necessary. This bill would provide for that authority. It would lay the foundation to see that foreign-plated vehicles which do not meet our standards do not cross our borders.

It is, as the author has suggested, a common sense bill which in a very practical way addresses this very serious difficulty. The gentleman from California (Mr. BILBRAY) should be commended for this work. It is a reflection of his past background as a member of the Air Resources Board in California. He brings that talent to the Congress and continues to work on the fight for clean air at home as well as across the country.

Mr. BROWN of Ohio. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I thank the gentleman from Ohio (Mr. BROWN) for yielding me this time.

Mr. Speaker, I rise in strong support of H.R. 8, the Border Smog Reduction Act.

As a border Congressman, I am glad to join my colleagues as an original cosponsor of this legislation to address the critical issue of unsafe emissions from vehicles that cross the international border into California.

Mr. Speaker, I am the Representative whose district contains the two major border crossings between Mexico and California. In that position, I am fully aware that our location presents our community with a wealth of unique cultural, social, economic and political opportunities. I believe this is one reason San Diego is called "America's Finest City."

However, this proximity to our Nation's border also presents us with unique challenges. One such challenge we must address is the emission of vehicles that enter our State from Mexico, but do not meet our State's strict emission standards.

It is an increasing economic reality of life at the border that commuters from both nations drive across that border to jobs in the other country and return to their home nation in the evening. Officials of the San Diego Air Pollution Control District estimate that of the approximately 45,000 vehicles that cross the San Ysidro border crossing in my district each day, about 7,000 are commuters.

It is currently against State law for any car or truck to drive on our roads and highways without the required smog certification. Despite this, however, and partly due to Mexico's more lax emission standards, countless cars stream across into California spewing unsafe pollutants into our air. Unless these vehicles are stopped for other violations, these emissions go unchecked and unstopped.

The legislation before us today is simply about the personal responsibility of the owners of these polluting vehicles. Our legislation will allow border officials to deny entry into our community any commuter vehicle that is not in compliance with our State laws governing motor vehicle emissions.

Mr. Speaker, other border States should be aware that the bill addresses only our situation in California, and does not impose requirements on any other State.

I also want to assure motorists in the San Diego border area that this legislation affords a 6-month grace period for owners to obtain certification that their vehicles meet California State standards.

Mr. Speaker, my constituents in San Diego and Chula Vista and National City deserve clean air. By requiring greater responsibility by auto owners, I believe this legislation will help us achieve our goal of cleaner air for all our communities. I urge my colleagues to support these efforts.

Mr. BILBRAY. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the soon-to-be chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank the gentleman from California (Mr. BILBRAY), my soon-to-be friend, for yielding me such time as I may consume. He has been a friend and will continue to be a friend in large part because while his Dear Colleague letter said that this is to deal with border pollution, frankly those of us from the area that the gentleman describes as northern California, which is Los Angeles, are actually in fact the beneficiaries of this, too.

Because clearly as we have looked at those automobiles which continue to pump out horrible pollutants, we have seen many of them on the freeways of Los Angeles. And so I simply want to rise and congratulate the vision of the gentleman from California (Mr. BILBRAY) to not only address the needs of the San Diego area, but I believe that they really transcend those.

I also am particularly privileged to be here with the gentleman from Ohio (Mr. BROWN), my very good friend. He and I for years debated the North American Free Trade Agreement. I have come to the conclusion that we today are able to look at issues like those that have been raised in the area of air quality by the gentleman from California (Mr. BILBRAY) because of the fact that the North American Free Trade Agreement has focused attention on improving air quality and other environmental concerns.

So, I simply want to say that as we look at the challenge that is ahead of us of improving our environment, there is no one who has been there on the frontline doing it more diligently than the gentleman from California (Mr. BILBRAY).

Mr. Speaker, a spectacular editorial was written by the San Diego Union-Tribune and should be included in the RECORD, so I submit that editorial for inclusion at this point in the RECORD.

[From the San Diego Union-Tribune, June 27, 1998]

SMOG INTERVENTION—BILL WOULD AIM AT NABBING MEXICAN POLLUTERS

As the largest city on the border, San Diego suffers disproportionately from the growing volume of air pollution generated by Mexican-registered vehicles that lack adequate smog controls. That's why San Diegans should cheer the House Commerce Committee's approval this week of a bill by Rep. Brian Bilbray, R-Imperial Beach, to crack down on Mexican-registered polluters.

California law requires Mexico-based autos that commute daily into the state to meet California emission standards. Most of these vehicles are owned by workers who live in Mexico but have jobs in California. They include both American and Mexican nationals.

The problem, however, is that U.S. border agents have no legal authority to stop border commuters who lack California smog-check certificates. Bilbray's legislation would close that enforcement loophole, empowering U.S. agents to impound the vehicles of border commuters who are repeat offenders of California's air pollution laws.

He estimates the crackdown on Mexican-based polluters would curb vehicular smog in San Diego by as much as 13 percent—a very significant amount, considering that autos account for the lion's share of our air pollution.

With the Commerce Committee's approval of the bill, it is expected to win passage on the House floor later this year. But it has no champion in the Senate. Without one, it will die when Congress adjourns in the fall.

Bilbray's proposal applies to border crossings in California only. Thus the only senators with a stake in it are California Democrats Dianne Feinstein and Barbara Boxer. Our hope is that they will team up to win Senate approval of the House bill so that San Diegans can breathe a bit easier.

Mr. Speaker, the editorial points out the fact that the gentleman from California (Mr. BILBRAY) has been working for a long period of time on this issue, and it ends with a very important message. After this measure passes the House of Representatives, it is going to need to go through the United States Senate. So I would implore our colleagues in the other body to move as expeditiously as possible on this very important measure.

Mr. BROWN of Ohio. Mr. Speaker, I reserve the balance of my time.

Mr. BILBRAY. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. GANSKE).

Mr. GANSKE. Mr. Speaker, the gentleman from California (Mr. BILBRAY) should be commended for this piece of legislation. I have stood at that border crossing in San Ysidro, and the smog is awful there. It just does not make sense that U.S. citizens, who have to spend a lot of their money making sure of the air quality coming out of their cars, should be seeing the cars that are registered south of the border coming across that border crossing and spewing a whole bunch of smog into the environment. It is just not fair.

This legislation takes care of that and makes it so that those cars that are not attaining the air quality standards of this country cannot come into the country. This is something that is worked out on a State-by-State basis. It is a good piece of legislation. Every one of our colleagues should support this, and I commend the gentleman from California for bringing it to the floor.

Mr. BILBRAY. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. ROHRABACHER), the most dynamic representative of the Surfing Caucus.

Mr. ROHRABACHER. Mr. Speaker, that was "the most dynamic," not the best surfer in the Surfing Caucus. The most dynamic member of the Surfing Caucus.

Mr. Speaker, Mexico is our neighbor and I rise in strong support of this amendment by the gentleman from California (Mr. BILBRAY) concerning our neighbor and our neighbors in Mexico.

Like all neighbors, there are issues that deal with neighborhood effect, whether it is just an American neighborhood or whether it is a neighborhood with people who actually are a part of another Nation.

Air and water pollution happens to be within that context of a neighborhood effect, and we must be neighborly, and we have tried to be neighborly with our Mexican neighbors. But we also have to watch out for the interests of our own people.

Mr. Speaker, what is unfortunate is that in recent years it seems that we have been treating our own people worse than what we treat people of another country, in this case Mexico.

I might add that this is not totally inconsistent with what our government seems to be doing in many areas of the world, which is treating our own people with more restrictions and with a harder hand than we treat people of other countries. I do not know why that is. That seems to be the way it is in many situations.

It is only good and proper that the people of Mexico who travel to the United States almost on a daily basis have the same standards, pollution standards, that they have to deal with with their automobiles as we do. Otherwise, what will be the result?

I would like to look at one result that the gentleman from California (Mr. BILBRAY) has not looked at so far. Yes, we are talking about air pollution and it is wrong that there are cars from another country coming in that do not have the same standards as our own automobiles, and, yes, we do not want to have air pollution, but we also want to maintain an amicable relationship with these people who are our neighbors.

How long will people have good will towards someone when they see automobiles coming down their streets pumping pollution? How much longer will the people of the various communities near the border or even further north into Los Angeles and Orange Counties have a spirit of good will towards the people of Mexico if they see a car coming from Mexico spilling this pollution into the air and putting contaminants into the lungs of our children and our families, when they themselves, of course, must go through stringent regulation and go through time and effort and expense to see that their own automobiles are not polluting and not, thus, affecting the health in a detrimental way of their neighbors who are American citizens?

No, if we let this go on, there will be a breakdown in the good will of people who are our neighbors, who are our friends, who should be our friends and it is up to us to ensure that this spirit of friendship, as well as neighborliness, is present, and to do that we must be scrupulously fair and must insist on fair and equal not only treatment and not only rights but responsibilities of people who come into our country and do so on a daily basis to work.

Finally, I would like to note that the gentleman from California (Mr. BILBRAY) has been providing leadership on issues of cross-border pollution control since early in his career. Most people in this body may not realize that he was mayor of Imperial Beach when there was pollution coming down from a stream from Mexico into the United States into his community, and when some bureaucrats got in the way of correcting that situation, the gentleman from California (Mr. BILBRAY) got onto a bulldozer and used that bulldozer to prevent that stream from sending its polluted waters into the American territory. This made him famous among the people of his area and eventually landed him here in Congress.

All of us have a chance now to join the gentleman from California in this issue of cross-border pollution and watch out for the interests of the American people, which is after all our primary job as Members of the United States Congress.

Mr. BILBRAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank my colleague from the Surfing Caucus for his kind words. Sadly, the pollution has closed our beaches in Imperial Beach this weekend so there are still battles to be fought there. I would just like to ask the ranking member if he has any more speakers or if he would like to make a closing statement?

Mr. Speaker, at this time I would ask for support of H.R. 8, but let me just point out, again, that, first of all, I want to apologize. I think we should all apologize to the people that live on the border region, that this body has had to spend 3½ years talking about doing something to help the environment and we have not taken action. It happens to be the nature of the creature. Congress moves slow. The Federal Government moves slow and let us just hope that the Senate will take up this bill and move it forward.

At the time that Smog Check 2 is going to be mandated, is being mandated, by the Federal Government on the people of California, it is essential that we get H.R. 8 through to show fairness and equity and we believe that everyone should be responsible for the environment, no matter where they live or where they commute in from.

Mr. Speaker, I would ask for the passage of H.R. 8 and ask for unanimous support from Congress as we received it from the full committee, and I thank the ranking member for his help today here on this bill.

Mr. BROWN of Ohio. Mr. Speaker, I urge Members to support the bill.

Mr. PACKARD. Mr. Speaker, I rise today to commend a fellow San Diegan, Congressman BRIAN BILBRAY, on his leadership in helping to reduce air pollution in southern California. Mr. BILBRAY's legislation, The Border Smog Reduction Act of '98, H.R. 8, is a bipartisan approach to improving border air quality and strengthening our pollution control strategies in the state of California. It is focused on foreign commuter vehicles which often emit a disproportionately high level of pollutants along the border region. Mr. Speaker, enacting this legislation could curb vehicular smog in San Diego by as much as 13 percent.

Many of the Mexican-registered vehicles, while driven by individuals who come legally into the U.S. for work or for school, lack the same smog controls required on all cars registered to the state of California. This bill would allow the Customs Inspector to require a smog certificate for any vehicle before entering into the United States and would empower border agents to prohibit any car from entering without one.

I support this bill, as it will target and reduce a known and identified source of air pollution. It will improve air quality in the environment, and will benefit children and other vulnerable populations on both sides of the border.

Mr. Speaker, I strongly support the Border Smog Reduction Act of '98 and urge the support of all other members as it will improve our overall environment and public health.

Mr. CUNNINGHAM. Mr. Speaker, I rise to support H.R. 8, the Border Smog Reduction Act of 1998. Introduced by my San Diego congressional delegation colleague, Representative BRIAN BILBRAY, H.R. 8 is a practical and bipartisan approach to improving border air quality and strengthening our air pollution control strategies. It will give the federal government the authority it needs to help enforce state vehicle emissions requirements, without imposing new mandates or burdens on local government or the business community.

In California, H.R. 8 will help to reduce high levels of smog-forming compounds from commuter vehicles driven across the border every day by people coming in to work or going to school legally in the U.S. Under existing state law, these vehicles are supposed to be in compliance with California's strict emission standards. But most presently are not, due to the current inability to enforce state law at the border. H.R. 8 will extend this enforcement ability to federal border inspectors at the points of entry, who will have the authority to ultimately turn away foreign-registered vehicles which cannot be shown to be in compliance with these emissions standards.

H.R. 8 does not restrict an individual's legal access to the U.S. It is focused on gross-polluting commuter vehicles which emit a disproportionately high level of pollutants along our border region. In San Diego County, stringent controls exist on all stationary sources, and all cars must be smog tested to standard in order to be registered. H.R. 8 will simply help to level the playing field, and target and reduce a known pollution problem. While it would initially apply only to California, other border states are given the flexibility to implement the authority of the bill as they might see fit in the future. It is important to note that H.R. 8 places no new mandates or requirements on other states.

I am pleased to be a cosponsor of this measure, and I urge all of my Colleagues to support this common-sense legislation.

Mr. WAXMAN. Mr. Speaker, I rise to speak on H.R. 8, The Border Smog Reduction Act of 1998.

I want to commend Chairman BLILEY, Chairman BILIRAKIS, Representative BILBRAY, Representative BROWN, and Representative STUPAK for working together to perfect this bill. H.R. 8 has been significantly improved from the version originally introduced.

As currently written, this legislation will make a modest improvement over current law authorizing the federal government to assist States in efforts to control air pollution from vehicles registered in foreign countries.

This legislation is not perfect and I remain concerned about an approach which statutorily restricts vehicles from entering the San Diego border more than twice in any one year. I question whether it will be possible to inspect and repair vehicles commuting daily from Mexico in only two visits. It's not difficult to imagine a host of problems when this plan is actually implemented.

Additionally, I think it's a mistake to exclude commercial traffic in San Diego from federal enforcement, when light-duty commercial traffic is responsible for the same types of air pollution problems that noncommercial traffic is. In effect, this legislation will focus on pollution from commuting workers and students, while ignoring pollution from commercial vehicles.

Notwithstanding these reservations, I commend Representative BILBRAY for resolving most of my concerns. I am especially pleased that California will have the option of changing their program from the prescriptive one mandated in this legislation.

I also want to commend Representative BROWN for a study he has sponsored that will analyze the impacts on air quality associated with the passage of the North American Free Trade Act. This will provide critical information for future efforts to control the adverse environmental effects of foreign diesel trucks entering our country.

Mr. BROWN of Ohio. Mr. Speaker, I yield back the balance of my time.

Mr. BILBRAY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BILBRAY) that the House suspend the rules and pass the bill, H.R. 8, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1700

FEDERAL RETIREMENT COVERAGE CORRECTIONS ACT

Mr. MICA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3249) to provide for the rectification of certain retirement coverage errors affecting Federal employees, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3249

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Federal Retirement Coverage Corrections Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. DEFINITIONS.

For purposes of this Act:

(1) CSRS.—The term "CSRS" means the Civil Service Retirement System.

(2) CSRDF.—The term "CSRDF" means the Civil Service Retirement and Disability Fund.

(3) CSRS COVERED.—The term "CSRS covered", with respect to any service, means service that is subject to the provisions of subchapter III of chapter 83 of title 5, United States Code, other than those that apply only with respect to an individual described in section 8402(b)(2) of such title.

(4) CSRS-OFFSET COVERED.—The term "CSRS-Offset covered", with respect to any service, means service that is subject to the provisions of subchapter III of chapter 83 of title 5, United States Code, that apply with respect to an individual described in section 8402(b)(2) of such title.

(5) EMPLOYEE.—The term "employee" means an employee as defined by section 8331 or 8401 of title 5, United States Code, and any other individual (not satisfying either of those definitions) serving in an appointive or elective office or position in the executive, legislative, or judicial branch of the Government who, by virtue of that service, is permitted or required to be CSRS covered, CSRS-Offset covered, FERS covered, or Social Security-Only covered.

(6) EXECUTIVE DIRECTOR.—The term "Executive Director of the Federal Retirement Thrift Investment Board" or "Executive Director" means the Executive Director appointed under section 8474 of title 5, United States Code.

(7) FERS.—The term "FERS" means the Federal Employees' Retirement System.

(8) FERS COVERED.—The term "FERS covered", with respect to any service, means service that is subject to chapter 84 of title 5, United States Code.

(9) GOVERNMENT.—The term "Government" has the meaning given such term by section 8331(7) of title 5, United States Code.

(10) OASDI TAXES.—The term "OASDI taxes" means the OASDI employee tax and the OASDI employer tax.

(11) OASDI EMPLOYEE TAX.—The term "OASDI employee tax" means the tax imposed under section 3101(a) of the Internal Revenue Code of 1986 (relating to Old-Age, Survivors and Disability Insurance).

(12) OASDI EMPLOYER TAX.—The term "OASDI employer tax" means the tax imposed under section 3111(a) of the Internal Revenue Code of 1986 (relating to Old-Age, Survivors and Disability Insurance).

(13) OASDI TRUST FUNDS.—The term "OASDI trust funds" means the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

(14) PERIOD OF ERRONEOUS COVERAGE.—The term "period of erroneous coverage" means, in the case of a retirement coverage error, the period throughout which retirement coverage is in effect pursuant to such error (or would have been in effect, but for such error).

(15) RETIREMENT COVERAGE DETERMINATION.—The term "retirement coverage determination" means a determination by an employee or agent of the Government as to whether a particular type of Government service is CSRS covered, CSRS-Offset covered, FERS covered, or Social Security-Only covered.

(16) RETIREMENT COVERAGE ERROR.—The term "retirement coverage error" means a retirement coverage determination that, as a result of any error, misrepresentation, or inaction on the part of an employee or agent of the Government (including an error as described in section 163(b)(2)), causes an individual erroneously to be enrolled or not enrolled in a retirement system, as further described in the applicable subtitle of title I.

(17) SOCIAL SECURITY-ONLY COVERED.—The term "Social Security-Only covered", with respect to any service, means Government service that constitutes employment under section 210 of the Social Security Act (42 U.S.C. 410), and that—

(A) is subject to OASDI taxes; but

(B) is not subject to any retirement system for Government employees (disregarding title II of the Social Security Act).

(18) THRIFT SAVINGS FUND.—The term "Thrift Savings Fund" means the Thrift Savings Fund established under section 8437 of title 5, United States Code.

SEC. 3. APPLICABILITY.

(a) IN GENERAL.—Subject to subsection (b), this Act shall apply with respect to any retirement coverage error that occurs before, on, or after the date of enactment of this Act, excluding any error corrected within 1 year after the date on which it occurs.

(b) LIMITATION.—Nothing in this Act shall affect any retirement coverage or treatment accorded with respect to any individual in connection with any period beginning before the first day of the first applicable pay period beginning on or after January 1, 1984.

SEC. 4. RESTRICTION RELATING TO FUTURE CORRECTIONS.

(a) IN GENERAL.—Except as otherwise provided in this Act, any individual who, on or after the date of enactment of this Act, becomes or remains affected by a retirement coverage error may not be excluded from or made subject to any retirement system for the sole purpose of correcting such error.

(b) COORDINATION WITH OTHER LAWS.—

(1) IN GENERAL.—Nothing in this Act shall be considered to preclude an election under the Federal Employees' Retirement System Open Enrollment Act of 1997 (Public Law 105–61; 111 Stat. 1318) or any other voluntary retirement coverage election authorized by statute.

(2) REGULATIONS.—The Office of Personnel Management shall prescribe any regulations which may be necessary to apply this Act in the case of any individual who changes retirement coverage pursuant to a voluntary election made other than under this Act.

SEC. 5. IRREVOCABILITY OF ELECTIONS.

Any election made (or deemed to have been made) under this Act by an employee or any other individual shall be irrevocable.

TITLE I—DESCRIPTION OF RETIREMENT COVERAGE ERRORS TO WHICH THIS ACT APPLIES AND MEASURES FOR THEIR RECTIFICATION

Subtitle A—Employee Who Should Have Been FERS Covered, But Who Was Erroneously CSRS Covered or CSRS-Offset Covered Instead

SEC. 101. ELECTIONS.

(a) APPLICABILITY.—This subtitle shall apply in the case of any employee who—

(1) should be (or should have been) FERS covered but, as a result of a retirement coverage error, is (or was) CSRS covered instead; or

(2) should be (or should have been) FERS covered but, as a result of a retirement coverage error, is (or was) CSRS-Offset covered instead.

(b) UNCORRECTED ERROR.—If, at the time of making an election under this section, the

retirement coverage error described in paragraph (1) or (2) of subsection (a) (as applicable) has not been corrected, the employee affected by such error may elect—

(1) to be FERS covered instead; or

(2) to remain (or instead become) CSRS-Offset covered.

(c) CORRECTED ERROR.—If, at the time of making an election under this section, the retirement coverage error described in paragraph (1) or (2) of subsection (a) (as applicable) has been corrected, the employee affected by such error may elect—

(1) to be CSRS-Offset covered instead; or

(2) to remain FERS covered.

(d) DEFAULT RULE.—

(1) IN GENERAL.—If the employee is given written notice in accordance with section 201 as to the availability of an election under this section, but does not make any such election within the 6-month period beginning on the date on which such notice is so given, the option under subsection (b)(2) or (c)(2), as applicable, shall be deemed to have been elected on the last day of such period.

(2) CSRS NOT AN OPTION.—Nothing in this section shall be considered to afford an employee the option of becoming or remaining CSRS covered.

(e) RETROACTIVE EFFECT.—An election under this section (including an election by default, and an election to remain covered by the retirement system by which the electing individual is covered as of the date of the election) shall be effective retroactive to the effective date of the retirement coverage error (as referred to in subsection (a)) to which such election relates.

SEC. 102. EFFECT OF AN ELECTION TO BE TRANSFERRED FROM CSRS TO FERS TO CORRECT A RETIREMENT COVERAGE ERROR.

(a) APPLICABILITY.—This section shall apply in the case of any employee affected by an error described in section 101(a)(1) who elects the option under section 101(b)(1).

(b) DISPOSITION OF CONTRIBUTIONS TO THE CSRDF.—

(1) EMPLOYEE CONTRIBUTIONS.—

(A) TRANSFER TO OASDI TRUST FUNDS.—There shall be transferred from the CSRDF to the OASDI trust funds an amount equal to the amount of the OASDI employee tax that should have been deducted and withheld from the Federal wages of the employee for the period of erroneous coverage involved.

(B) RULE IF THERE ARE EXCESS CSRDF CONTRIBUTIONS.—

(i) IN GENERAL.—Any excess amount described in clause (ii) that is attributable to an employee described in subsection (a) shall be forfeited.

(ii) EXCESS AMOUNT DEFINED.—The excess amount described in this clause is, in the case of an employee, the amount by which—

(I) that portion of the employee's lump-sum credit that is attributable to the period of erroneous coverage involved, exceeds (if at all)

(II) the total of the amount described in subparagraph (A) plus the amount that should have been deducted under section 8422 of title 5, United States Code, from the pay of the employee for the period of erroneous coverage involved.

(C) RULE IF LUMP-SUM CREDIT IS LESS THAN TOTAL EMPLOYEE CONTRIBUTIONS TO OASDI AND CSRDF THAT SHOULD HAVE BEEN MADE.—

(i) IN GENERAL.—

(I) SHORTFALL TO BE MADE UP BY AGENCY.—If the amount described in subparagraph (B)(ii)(I) is less than the total amount described in subparagraph (B)(ii)(II), an amount equal to the shortfall shall be made up (in such manner as the Commissioner of Social Security shall prescribe) by the agency in or under which the employee is then employed, out of amounts otherwise available in the appropriation, fund, or account from which any OASDI employer tax or contribution to the CSRDF (as applicable) may be made, except as provided in subclause (II) or clause (iii)(I).

(II) REDUCTION FOR DEPOSIT DUE.—In any case in which a deposit is required under clause (ii), the amount required to be made up under subclause (I) shall be reduced by the amount of the deposit so required (but not below zero).

(ii) DEPOSIT REQUIREMENT.—

(I) IN GENERAL.—To the extent that the shortfall under clause (i) is due to the any lump-sum credit received by the employee (for which an appropriate deposit under section 8334(d)(1) of title 5, United States Code, has not been made), the employee shall be required to repay an amount equal to the amount of such deposit, except as provided in clause (iii)(I).

(II) TREATMENT AS A DEBT DUE.—If an employee fails to pay the amount required under subclause (I), that amount shall be recoverable by the CSRDF under the same authorities (including to waive a right of recovery) as described in section 114(b)(2). For purposes of any exercise of authority under the preceding sentence, the Director of the Office of Personnel Management shall be considered the head of the agency concerned.

(iii) SPECIAL RULES.—

(I) DEPOSIT FOR FERS DEDUCTIONS NOT MANDATORY.—Nothing in this subparagraph shall, in any situation described in clause (ii), be considered to require any agency make-up payment (or employee repayment) of any portion of the lump-sum credit (beyond any amount necessary in order to permit the transfer described in paragraph (1)(A)) which would be assignable to amounts that should have been deducted under section 8422 of title 5, United States Code, from pay of the employee involved.

(II) AUTHORITY TO MAKE FERS DEPOSIT.—An employee under this section who has received a lump-sum credit (described in clause (ii)(I)) may not be credited, under chapter 84 of title 5, United States Code, with any period of service to which that lump-sum credit relates unless the employee deposits into the CSRDF an amount equal to the percentage of such employee's basic pay (for such period of service) that should have been deducted under section 8422 of such title 5.

(D) DEFINITION OF LUMP-SUM CREDIT.—For purposes of this paragraph, the term ''lump-sum credit'' has the meaning given such term by section 8331 of title 5, United States Code, except as the context may otherwise indicate.

(E) PROVISIONS RELATING TO THE APPLICATION OF THIS PARAGRAPH IN OTHER SITUATIONS.—

(i) GENERAL AUTHORITY.—To the extent necessary to permit the operation of this paragraph in any situation covered by any other provisions of this Act (which incorporate this paragraph by reference), any necessary technical and conforming amendments to this paragraph not otherwise specifically provided for (such as citations to appropriate provisions of law corresponding to provisions cited in this paragraph) shall be made under regulations which the Office of Personnel Management shall prescribe.

(ii) SPECIAL RULE.—

(I) DEPOSITS NOT PRECLUDED BY FERS RESTRICTION.—Nothing in section 8424(a) of title 5, United States Code, shall, in any situation covered by this Act, prevent the making of any deposit (and crediting, for retirement purposes, of service for the corresponding period of time) to the extent that the deposit relates to the period of erroneous coverage involved.

(II) EXCEPTION.—The preceding sentence shall not apply in any situation in which the employee involved was erroneously FERS covered, and remained FERS covered after the rectification provided for under this Act.

(2) GOVERNMENT CONTRIBUTIONS.—

(A) TRANSFER TO OASDI TRUST FUNDS.—There shall be transferred from the CSRDF to the OASDI trust funds the excess of—

(i) the amount of the OASDI employer tax that should have been paid with respect to the employee for the period of erroneous coverage involved, over

(ii) the amount of the OASDI employer tax that may be assessed under section 6501 of the Internal Revenue Code of 1986 in connection with such employee,

determined in such manner as the Secretary of the Treasury shall by regulation prescribe.

(B) RULE IF CSRDF CONTRIBUTIONS ACTUALLY MADE ARE LESS THAN TOTAL GOVERNMENT CONTRIBUTIONS TO OASDI AND CSRDF THAT SHOULD HAVE BEEN MADE.—

(i) IN GENERAL.—If the total Government contributions to the CSRDF that were made with respect to the employee for the period of erroneous coverage involved are less than the amount described in clause (ii), an amount equal to the shortfall shall be made up (in such manner as the Commissioner of Social Security shall prescribe) by the agency in or under which the employee is then employed.

(ii) DESCRIPTION OF AMOUNT.—The amount described in this clause is the total of—

(I) the amount required to be transferred under subparagraph (A), plus

(II) the amount that should have been contributed by the Government under section 8423 of title 5, United States Code, for such employee with respect to such period.

(iii) SOURCE OF PAYMENTS.—Any amount required to be paid by an agency under clause (i) shall be payable out of any appropriation, fund, or account available to such agency for making Government contributions to the CSRDF or the OASDI trust funds (as appropriate).

(c) MAKEUP CONTRIBUTIONS TO THE THRIFT SAVINGS FUND.—

(1) IN GENERAL.—An employee to whom this section applies is entitled to have contributed to the Thrift Savings Fund on such employee's behalf, in addition to any regular employee or Government contributions that would be permitted or required for the year in which the contributions under this subsection are made, an amount equal to the sum of—

(A) the amount determined under paragraph (2) with respect to such employee for the period of erroneous coverage involved;

(B) an amount equal to the total contributions that should have been made for such employee under section 8432(c)(1) of title 5, United States Code, for the period of erroneous coverage involved;

(C) an amount equal to the total contributions that should have been made for such employee under section 8432(c)(2) of title 5, United States Code, for the period of erroneous coverage involved (taking into account both the amount referred to in subparagraph (A) and any contributions to the Thrift Savings Fund actually made by such employee with respect to the period involved); and

(D) an amount equal to lost earnings on the amounts referred to in subparagraphs (A) through (C), determined in accordance with paragraph (3).

(2) AMOUNT BASED ON AVERAGE PERCENTAGE OF PAY CONTRIBUTED BY EMPLOYEES DURING PERIOD OF ERRONEOUS COVERAGE.—

(A) IN GENERAL.—The amount determined under this paragraph with respect to an employee for a period of erroneous coverage shall be equal to the amount of the contributions such employee would have made if, during each calendar year in such period, the employee had contributed the percentage of such employee's basic pay for such year specified in subparagraph (B) (determined disregarding any contributions actually made by such employee with respect to the year involved).

(B) PERCENTAGE TO BE APPLIED.—

(i) IN GENERAL.—The percentage to be applied under this subparagraph in the case of any employee with respect to a particular year is—

(I) the average percentage of basic pay that was contributed for such year under section 8432(a) of title 5, United States Code, by full-time FERS covered employees who contributed to the Thrift Savings Fund in such year and for whom a salary rate is recorded (as of June 30 of such year) in the central personnel data file maintained by the Office of Personnel Management; or

(II) if such average percentage for the year in question is unavailable, the average percentage for the most recent year prior to the year in question that is available.

(ii) PERCENTAGE CONTRIBUTED.—For purposes of clause (i)(I), the percentage of basic pay for each employee included in the average shall be determined by dividing the total employee contributions received into the Thrift Savings Plan account of that employee during such year by the annual salary rate for that employee as recorded in the central personnel data file (referred to in clause (i)(I)) as of June 30 of such year.

(C) LIMITATIONS.—In no event may the amount determined under this paragraph for an individual with respect to a year exceed the amount that, if added to the amount of the contributions that were actually made by such individual to the Thrift Savings Fund with respect to such year (if any), would cause the total to exceed—

(i) any limitation under section 415 or any other provision of the Internal Revenue Code of 1986 that would have applied to such employee with respect to such year; or

(ii) any limitation under section 8432(a) or any other provision of title 5, United States Code, that would have applied to such employee with respect to such year.

(3) LOST EARNINGS.—

(A) IN GENERAL.—Lost earnings on any amounts referred to in subparagraph (A), (B), or (C) of paragraph (1) shall, to the extent those amounts are attributable to contributions that should have been made with respect to a particular year, be determined in the same way as if those amounts had in fact been timely contributed and allocated among the TSP investment funds in accordance with—

(i) the investment fund election that was accepted by the employing agency before the date the contribution should have been made and that was still in effect as of that date; or

(ii) if no such election was then in effect for the employee, the investment fund election attributed to such employee with respect to such year.

(B) INVESTMENT FUND ELECTION ATTRIBUTED.—For purposes of subparagraph (A)(ii), the investment fund election attributed to an employee with respect to a particular year is—

(i) the average percentage allocation of TSP contributions among the TSP investment funds from all sources, with respect to that year, except that the investment fund election attributed to contributions in years prior to 1991 shall be the G Fund; or

(ii) if such average percentage allocation for the year in question is unavailable, the average percentage allocation for the most recent year prior to the year in question that is available.

(C) DEFINITION OF INVESTMENT FUND ELECTION, ETC.—For purposes of this paragraph—

(i) the term "investment fund election" means a choice by a participant concerning how contributions to the Thrift Savings Plan shall be allocated among the TSP investment funds;

(ii) the term "participant" means any person with an account in the Thrift Savings Plan, or who would have an account in the Thrift Savings Plan but for an employing agency error (including an error as described in section 163(b)(2));

(iii) the term "TSP investment funds" means the C Fund, the F Fund, the G Fund, and any other investment fund in the Thrift Savings Plan created after December 27, 1996; and

(iv) the terms "C Fund", "F Fund", and "G Fund" refer to the funds described in paragraphs (1), (3), and (4), respectively, of section 8438(a) of title 5, United States Code.

(4) MAKEUP CONTRIBUTION TO BE MADE IN A LUMP SUM.—

(A) IN GENERAL.—Any amount to which an employee is entitled under this subsection shall be paid promptly by the agency in or under which the electing employee is (as of the date of the election) employed, in a lump sum, upon notification to such agency under subparagraph (B)(ii) as to the amount due.

(B) BOARD FUNCTIONS.—The regulations under paragraph (6) shall include provisions under which—

(i) each employing agency shall be required to determine and notify the Federal Retirement Thrift Investment Board, in a timely manner, as to any amounts under paragraph (1)(A)–(C) owed by such agency; and

(ii) the Board shall, based on the information it receives from an agency under clause (i), determine lost earnings on those amounts and promptly notify such agency as to the total amounts due from it under this subsection.

(5) JUSTICES AND JUDGES; MAGISTRATES; ETC.—The preceding provisions of this subsection shall not apply in the case of any employee who, pursuant to the election referred to in subsection (a), becomes subject to section 8440a, 8440b, 8440c, or 8440d of title 5, United States Code.

(6) REGULATIONS.—The Executive Director of the Federal Retirement Thrift Investment Board shall prescribe any regulations necessary to carry out this subsection.

SEC. 103. EFFECT OF AN ELECTION TO BE TRANSFERRED FROM CSRS-OFFSET TO FERS TO CORRECT A RETIREMENT COVERAGE ERROR.

(a) APPLICABILITY.—This section shall apply in the case of any employee affected by an error described in section 101(a)(2) who elects the option under section 101(b)(1).

(b) EFFECT OF ELECTION.—In the case of an employee described in subsection (a), the following provisions shall apply:

(1) Section 102(b) (relating to disposition of contributions to the CSRDF), but disregarding provisions relating to transfers to OASDI trust funds.

(2) Section 102(c) (relating to makeup contributions to the Thrift Savings Fund).

SEC. 104. EFFECT OF AN ELECTION TO BE TRANSFERRED FROM CSRS TO CSRS-OFFSET TO CORRECT A RETIREMENT COVERAGE ERROR.

(a) APPLICABILITY.—This section shall apply in the case of any employee affected by an error described in section 101(a)(1) who elects the option under section 101(b)(2).

(b) SAME AS IN THE CASE OF AN ELECTION TO RATIFY ERRONEOUS CSRS-OFFSET COVERAGE.—

(1) IN GENERAL.—The effect of an election described in subsection (a) shall be as described in section 101(b)(2), except that the provisions of section 102(b) shall also apply.

(2) APPROPRIATE PERCENTAGES TO BE USED IN DETERMINING EMPLOYEE AND GOVERNMENT CONTRIBUTIONS TO CSRDF.—For purposes of paragraph (1), section 102(b) shall be applied by substituting "the relevant provisions of section 8334(k)" for "section 8422" and "section 8423".

SEC. 105. EFFECT OF AN ELECTION TO BE RESTORED (OR TRANSFERRED) TO CSRS-OFFSET AFTER HAVING BEEN CORRECTED TO FERS FROM CSRS-OFFSET (OR CSRS).

(a) APPLICABILITY.—This section shall apply in the case of any employee affected by an error described in paragraph (1) or (2) of section 101(a) who (after having been corrected to FERS coverage) elects the option under section 101(c)(1).

(b) DISPOSITION OF CONTRIBUTIONS TO THE CSRDF.—

(1) IN GENERAL.—The provisions of section 102(b) shall apply in the case of an employee described in subsection (a), subject to paragraph (2).

(2) NO TRANSFERS FOR AMOUNTS ALREADY PAID INTO OASDI, ETC.—For purposes of paragraph (1), section 102(b) shall be applied in conformance with the following:

(A) NO DOUBLE PAYMENTS INTO OASDI.—To the extent that the appropriate OASDI employee or employer tax has already been paid for the total period involved (or any portion thereof), reduce the respective amounts required by paragraphs (1)(A) and (2)(A)(i) of section 102(b) accordingly.

(B) APPROPRIATE PERCENTAGES TO BE USED IN DETERMINING EMPLOYEE AND GOVERNMENT CONTRIBUTIONS TO CSRDF.—Substitute "the relevant provisions of section 8334(k)" for "section 8422" and "section 8423".

(C) APPROPRIATE LUMP-SUM CREDIT TO BE USED.—The appropriate lump-sum credit to be used under this subsection shall be determined in accordance with regulations to be prescribed by the Office of Personnel Management.

(D) PROVISIONS TO BE APPLIED WITH RESPECT TO THE TOTAL PERIOD INVOLVED.—Substitute "total period involved (as defined by section 105)" for "period of erroneous coverage involved".

(c) DISPOSITION OF EXCESS TSP CONTRIBUTIONS.—

(1) GOVERNMENT CONTRIBUTIONS.—All Government contributions made on behalf of the employee to the Thrift Savings Fund that are attributable to the total period involved (including any earnings thereon) shall be forfeited. For the purpose of section 8437(d) of title 5, United States Code, amounts so forfeited shall be treated as if they were amounts forfeited under section 8432(g) of such title.

(2) EMPLOYEE CONTRIBUTIONS.—The election referred to in subsection (a) shall not be taken into account for purposes of any determination relating to the disposition of any employee contributions to the Thrift Savings Fund, attributable to the total period

involved, that were in excess of the maximum amount that would have been allowable under applicable provisions of subchapter III of chapter 83 of title 5, United States Code (including any earnings thereon).

(d) DEFINITION OF TOTAL PERIOD INVOLVED.—For purposes of this section, the term "total period involved" means the period beginning on the effective date of the retirement coverage error involved and ending on the day before the date on which the election described in subsection (a) is made.

SEC. 106. EFFECT OF ELECTION TO REMAIN FERS COVERED AFTER HAVING BEEN CORRECTED TO FERS FROM CSRS-OFFSET (OR CSRS).

(a) APPLICABILITY.—This section shall apply in the case of any employee affected by an error described in paragraph (1) or (2) of section 101(a) who (after having been corrected to FERS coverage) elects the option under section 101(c)(2).

(b) DISPOSITION OF CONTRIBUTIONS TO THE CSRDF.—The provisions of section 102(b) shall apply in the case of an employee described in subsection (a), subject to the same condition as set forth in section 105(b)(2)(A).

(c) MAKEUP CONTRIBUTIONS TO THE THRIFT SAVINGS FUND.—Section 102(c) shall apply, except that an agency shall receive credit for any automatic or matching Government contributions and any lost earnings paid by such agency as part of any corrections process previously carried out with respect to the employee involved.

Subtitle B—Employee Who Should Have Been FERS Covered, CSRS-Offset Covered, or CSRS Covered, But Who Was Erroneously Social Security-Only Covered Instead

SEC. 111. ELECTIONS.

(a) APPLICABILITY.—This subtitle shall apply in the case of any employee who—

(1) should be (or should have been) FERS covered but, as a result of a retirement coverage error, is (or was) Social Security-Only covered instead;

(2) should be (or should have been) CSRS-Offset covered but, as a result of a retirement coverage error, is (or was) Social Security-Only covered instead; or

(3) should be (or should have been) CSRS covered but, as a result of a retirement coverage error, is (or was) Social Security-Only covered instead.

(b) UNCORRECTED ERROR.—If, at the time of making an election under this section, the retirement coverage error described in paragraph (1), (2), or (3) of subsection (a) (as applicable) has not been corrected, the employee affected by such error may elect—

(1)(A) in the case of an error described in subsection (a)(1), to be FERS covered as well;

(B) in the case of an error described in subsection (a)(2), to be CSRS-Offset covered as well; or

(C) in the case of an error described in subsection (a)(3), to be CSRS covered instead; or

(2) to remain Social Security-Only covered.

(c) CORRECTED ERROR.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, there shall be submitted to the Congress a proposal (including any necessary draft legislation) to carry out the policy described in paragraph (2).

(2) POLICY.—Under the proposal, any employee with respect to whom the retirement coverage error described in paragraph (1), (2), or (3) of subsection (a) (as applicable) has already been corrected, but under terms less advantageous to the employee than would have been the case under this Act, shall be afforded a reasonable opportunity to obtain treatment comparable to the treatment afforded under this Act.

(3) JOINT ACTION.—This subsection shall be carried out by the Director of the Office of Personnel Management, in consultation with the Executive Director of the Federal Retirement Thrift Investment Board and the Commissioner of Social Security.

(d) DEFAULT RULE.—In the case of any employee to whom subsection (b) applies, if the employee is given written notice in accordance with section 201 as to the availability of an election under this section, but does not make any such election within the 6-month period beginning on the date on which such notice is so given, the option under subsection (b)(2) shall be deemed to have been elected on the last day of such period.

(e) RETROACTIVE EFFECT.—An election under this section (including an election by default, and an election to remain covered by the retirement system by which the electing individual is covered as of the date of the election) shall be effective retroactive to the effective date of the retirement coverage error (as referred to in subsection (a)) to which such election relates.

SEC. 112. EFFECT OF AN ELECTION TO BECOME FERS COVERED TO CORRECT THE RETIREMENT COVERAGE ERROR.

(a) APPLICABILITY.—This section shall apply in the case of any employee affected by an error described in section 111(a)(1) who elects the option under section 111(b)(1)(A).

(b) MAKEUP CONTRIBUTIONS TO THE CSRDF.—Upon notification that an employee has made an election under this section, the agency in or under which such employee is employed shall promptly pay to the CSRDF, in a lump sum, an amount equal to the sum of—

(1) the amount that should have been deducted and withheld from the pay of the employee for the period of erroneous coverage involved under section 8422 of title 5, United States Code; and

(2) the Government contributions that should have been paid for the period of erroneous coverage involved under section 8423 of title 5, United States Code.

(c) MAKEUP CONTRIBUTIONS TO THE THRIFT SAVINGS FUND.—Section 102(c) shall apply in the case of an employee described in subsection (a).

SEC. 113. EFFECT OF AN ELECTION TO BECOME CSRS-OFFSET COVERED TO CORRECT THE RETIREMENT COVERAGE ERROR.

(a) APPLICABILITY.—This section shall apply in the case of any employee affected by an error described in section 111(a)(2) who elects the option under section 111(b)(1)(B).

(b) MAKEUP CONTRIBUTIONS TO THE CSRDF.—Upon notification that an employee has made an election under this section, the agency in or under which such employee is employed shall promptly pay to the CSRDF, in a lump sum, an amount equal to the sum of—

(1) the amount that should have been deducted and withheld from the pay of the employee for the period of erroneous coverage involved under section 8334 of title 5, United States Code; and

(2) the Government contributions that should have been paid under section 8334 of title 5, United States Code, for the period of erroneous coverage involved.

(c) MAKEUP CONTRIBUTIONS TO THE THRIFT SAVINGS FUND.—

(1) IN GENERAL.—Makeup contributions to the Thrift Savings Fund shall be made by the employing agency in the same manner as described in section 102(c) (but disregarding subparagraphs (B) and (C) of paragraph (1) thereof, and the other provisions of section 102(c) to the extent that they relate to those subparagraphs).

(2) APPROPRIATE PERCENTAGES, ETC. TO BE USED.—For purposes of paragraph (1), section 102(c) shall be applied—

(A) by substituting "section 8351(b)" for "section 8432(a)" and by substituting "CSRS covered and CSRS-Offset covered" for "FERS covered" in paragraph (2)(B)(i) thereof; and

(B) by substituting "section 8351(b)(2)" for "section 8432(a)" in paragraph (2)(C)(ii) thereof.

SEC. 114. EFFECT OF AN ELECTION TO BECOME CSRS COVERED TO CORRECT THE RETIREMENT COVERAGE ERROR.

(a) APPLICABILITY.—This section shall apply in the case of any employee affected by an error described in section 111(a)(3) who elects the option under section 111(b)(1)(C).

(b) MAKEUP CONTRIBUTIONS TO THE CSRDF.—

(1) IN GENERAL.—Upon notification that an employee has made an election under this section, the agency in or under which such employee is employed shall promptly pay to the CSRDF, in a lump sum, an amount equal to the sum of—

(A) the amount that should have been deducted and withheld from the pay of the employee for the period of erroneous coverage involved under section 8334 of title 5, United States Code; and

(B) the Government contributions that should have been paid under such section for the period of erroneous coverage involved.

(2) AGENCY TO BE REIMBURSED FOR CERTAIN AMOUNTS.—

(A) IN GENERAL.—The employee for whom the payment under paragraph (1) is made shall repay to the agency (referred to in paragraph (1)) an amount equal to the OASDI employee taxes refunded or refundable to such employee for any portion of the period of erroneous coverage involved (computed in such manner as the Director of the Office of Personnel Management, with the concurrence of the Secretary of the Treasury, shall by regulation prescribe), not to exceed the amount described in paragraph (1)(A).

(B) RIGHT OF RECOVERY; WAIVER.—If the employee fails to repay the amount required under subparagraph (A), a sum equal to the amount outstanding is recoverable by the Government from the employee (or the employee's estate, if applicable) by—

(i) setoff against accrued pay, compensation, amount of retirement credit, or another amount due the employee from the Government; and

(ii) such other method as is provided by law for the recovery of amounts owing to the Government.

The head of the agency concerned may waive, in whole or in part, a right of recovery under this paragraph if it is shown that recovery would be against equity and good conscience or against the public interest.

(C) TREATMENT OF AMOUNTS REPAID OR RECOVERED.—Any amount repaid by, or recovered from, an individual (or an estate) under this paragraph shall be credited to the appropriation account from which the amount involved was originally paid.

(c) MAKEUP CONTRIBUTIONS TO THE THRIFT SAVINGS FUND.—In the case of an employee described in subsection (a), makeup contributions to the Thrift Savings Fund shall be made in the same manner as described in section 113(c).

Subtitle C—Employee Who Should Have Been Social Security-Only Covered, But Who Was Erroneously FERS Covered, CSRS-Offset Covered, or CSRS Covered Instead

SEC. 121. UNCORRECTED ERROR: EMPLOYEE WHO SHOULD BE SOCIAL SECURITY-ONLY COVERED, BUT WHO IS ERRONEOUSLY FERS COVERED INSTEAD.

(a) IN GENERAL.—Except as provided in section 125, this section shall apply in the case of any employee who should be Social Security-Only covered but, as a result of a retirement coverage error, is FERS covered instead.

(b) AUTOMATIC EXCLUSION FROM FERS.—An employee described in subsection (a) shall not, by reason of the retirement coverage error described in subsection (a), be eligible to be treated as an individual who is FERS covered.

(c) DISPOSITION OF EMPLOYEE CONTRIBUTIONS TO THE CSRDF.—There shall be paid to the employee, from the CSRDF, any lump-sum credit to which such employee would be entitled under section 8424 of title 5, United States Code, to the extent attributable to the period of erroneous coverage involved.

(d) DISPOSITION OF TSP CONTRIBUTIONS.—

(1) GOVERNMENT CONTRIBUTIONS.—All Government contributions made on behalf of the employee to the Thrift Savings Fund that are attributable to the period of erroneous coverage involved (including any earnings thereon) shall be forfeited in the same manner as described in section 105(c).

(2) EMPLOYEE CONTRIBUTIONS.—Notwithstanding any other provision of this section or any other provision of law, any contributions made by the employee to the Thrift Savings Fund during the period of erroneous coverage involved (including any earnings thereon) shall be treated as if such employee had then been correctly covered.

SEC. 122. UNCORRECTED ERROR: EMPLOYEE WHO SHOULD BE SOCIAL SECURITY-ONLY COVERED, BUT WHO IS ERRONEOUSLY CSRS-OFFSET COVERED INSTEAD.

(a) IN GENERAL.—Except as provided in section 125, this section shall apply in the case of any employee who should be Social Security-Only covered but, as a result of a retirement coverage error, is CSRS-Offset covered instead.

(b) AUTOMATIC EXCLUSION FROM CSRS-OFFSET.—An employee described in subsection (a) shall not, by reason of the retirement coverage error described in subsection (a), be eligible to be treated as an individual who is CSRS-Offset covered.

(c) DISPOSITION OF EMPLOYEE CONTRIBUTIONS TO THE CSRDF.—There shall be paid to the employee, from the CSRDF, the lump-sum credit to which such employee would be entitled under section 8342 of title 5, United States Code, to the extent attributable to the period of erroneous coverage involved.

(d) DISPOSITION OF TSP CONTRIBUTIONS.—In the case of an employee described in subsection (a), section 121(d)(2) shall apply.

SEC. 123. UNCORRECTED ERROR: EMPLOYEE WHO SHOULD BE SOCIAL SECURITY-ONLY COVERED, BUT WHO IS ERRONEOUSLY CSRS COVERED INSTEAD.

(a) IN GENERAL.—Except as provided in section 125, this section shall apply in the case of any employee who should be Social Security-Only covered but, as a result of a retirement coverage error, is CSRS covered instead.

(b) AUTOMATIC EXCLUSION FROM CSRS.—An employee described in subsection (a) shall not, by reason of the retirement coverage error described in subsection (a), be eligible to be treated as an individual who is CSRS covered.

(c) DISPOSITION OF CONTRIBUTIONS TO THE CSRDF.—

(1) IN GENERAL.—In the case of an employee described in subsection (a), section 102(b) shall apply.

(2) IRRELEVANT PROVISIONS TO BE DISREGARDED.—For purposes of paragraph (1), section 102(b) shall be applied disregarding the provisions of paragraphs (1)(B)(ii)(II) (to the extent they relate to amounts that should have been deducted under section 8422 of title 5, United States Code) and (2)(B)(ii)(II) thereof.

(d) DISPOSITION OF TSP CONTRIBUTIONS.—In the case of an employee described in subsection (a), section 121(d)(2) shall apply.

SEC. 124. CORRECTED ERROR: SITUATIONS UNDER SECTIONS 121–123.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, there shall be submitted to the Congress a proposal (including any necessary draft legislation) to carry out the policy described in subsection (b).

(b) POLICY.—Under the proposal, any employee with respect to whom the applicable retirement coverage error (referred to in section 121, 122, or 123, as applicable) has already been corrected, but under terms less advantageous to the employee than would have been the case under this Act, shall be afforded a reasonable opportunity to obtain treatment comparable to the treatment afforded under this Act.

(c) JOINT ACTION.—This section shall be carried out by the Director of the Office of Personnel Management, in consultation with the Executive Director of the Federal Retirement Thrift Investment Board and the Commissioner of Social Security.

SEC. 125. VESTED EMPLOYEES EXCEPTED FROM AUTOMATIC EXCLUSION.

(a) IN GENERAL.—Nothing in this subtitle shall, by reason of any retirement coverage error, result in the automatic exclusion of any employee from FERS, CSRS-Offset, or CSRS if, as of the date on which notice of such error is given (in accordance with section 201), such employee's rights have vested under the retirement system involved.

(b) VESTING.—For purposes of this section, vesting of rights shall be considered to have occurred if the employee has (by the date as of which the determination is made) completed at least 5 years of civilian service, taking into account only creditable service under section 8332 or 8411 of title 5, United States Code.

(c) ELECTIONS.—

(1) ERRONEOUSLY FERS COVERED.—Any employee affected by an error described in section 121 who is determined under this section to satisfy subsection (b) may elect—

(A) to be treated in accordance with section 121; or

(B) to remain FERS covered.

(2) OTHER CASES.—Any employee affected by an error described in section 122 or 123 who is determined under this section to satisfy subsection (b) may elect—

(A) to be treated in accordance with section 122 or 123 (as applicable); or

(B) to remain (or instead become) CSRS-Offset covered.

(d) EFFECT OF AN ELECTION TO BE TRANSFERRED FROM CSRS TO CSRS-OFFSET.—In the case of an employee affected by an error described in section 123 who elects the option under subsection (c)(2)(B), the effect of the election shall be the same as described in section 104.

(e) DEFAULT RULE.—If the employee does not make any election within the 6-month period beginning on the date on which the appropriate notice is given to such employee, the option under paragraph (1)(B) or (2)(B) of subsection (c), as applicable, shall be deemed to have been elected as of the last day of such period. Nothing in this section shall be considered to afford an employee the option of becoming or remaining CSRS covered.

(f) RETROACTIVE EFFECT.—An election under this section (including an election by default, and an election to remain covered by the retirement system by which the electing individual is covered as of the date of the election) shall be effective retroactive to the effective date of the retirement coverage error to which the election relates.

(g) SPECIAL RULE IN CASE OF DISABILITY.—If, as of the date referred to in subsection (a), the employee is entitled to receive an annuity under chapter 83 or 84 of title 5, United States Code, based on disability, or compensation under subchapter I of chapter 81 of such title for injury to, or disability of, such employee, subsections (a) and (b) shall be applied by substituting (for the date that would otherwise apply) the date as of which entitlement to such annuity or compensation terminates (if at all).

(h) NOTIFICATION.—Any notice under section 201 shall include such additional information or other modifications as the Office of Personnel Management may by regulation prescribe in connection with the situations covered by this subtitle, particularly as they relate to the consequences of being vested or not being vested.

Subtitle D—Employee Who Should Have Been CSRS Covered or CSRS-Offset Covered, But Who Was Erroneously FERS Covered Instead

SEC. 131. ELECTIONS.

(a) APPLICABILITY.—This subtitle shall apply in the case of any employee who—

(1) should be (or should have been) CSRS covered but, as a result of a retirement coverage error, is (or was) FERS covered instead; or

(2) should be (or should have been) CSRS-Offset covered but, as a result of a retirement coverage error, is (or was) FERS covered instead.

(b) UNCORRECTED ERROR.—If, at the time of making an election under this section, the retirement coverage error described in paragraph (1) or (2) of subsection (a) (as applicable) has not been corrected, the employee affected by such error may elect—

(1)(A) in the case of an error described in subsection (a)(1), to be CSRS covered instead; or

(B) in the case of an error described in subsection (a)(2), to be CSRS-Offset covered instead; or

(2) to remain FERS covered.

(c) CORRECTED ERROR.—If, at the time of making an election under this section, the retirement coverage error described in paragraph (1) or (2) of subsection (a) (as applicable) has been corrected, the employee affected by such error may elect—

(1) to be FERS covered instead; or

(2)(A) in the case of an error described in subsection (a)(1), to remain CSRS covered; or

(B) in the case of an error described in subsection (a)(2), to remain CSRS-Offset covered.

(d) DEFAULT RULE.—If the employee is given written notice in accordance with section 201 as to the availability of an election under this section, but does not make any such election within the 6-month period beginning on the date on which such notice is so given, the option under subsection (b)(2) or (c)(2), as applicable, shall be deemed to

have been elected on the last day of such period.

(e) RETROACTIVE EFFECT.—An election under this section (including an election by default, and an election to remain covered by the retirement system by which the electing individual is covered as of the date of the election) shall be effective retroactive to the effective date of the retirement coverage error (as referred to in subsection (a)) to which such election relates.

SEC. 132. EFFECT OF AN ELECTION TO BE TRANSFERRED FROM FERS TO CSRS TO CORRECT A RETIREMENT COVERAGE ERROR.

(a) APPLICABILITY.—This section shall apply in the case of any employee affected by an error described in section 131(a)(1) who elects the option available to such employee under section 131(b)(1)(A).

(b) MAKEUP CONTRIBUTIONS TO THE CSRDF.—

(1) IN GENERAL.—Upon notification that an employee has made an election under this section, the agency in or under which such employee is employed shall promptly pay to the CSRDF, in a lump sum, an amount equal to the excess of—

(A) the amount by which—

(i) the amount that should have been deducted and withheld from the pay of the employee for the period of erroneous coverage involved under section 8334 of title 5, United States Code, exceeds

(ii) the amount that was actually deducted and withheld from the pay of the employee for the period of erroneous coverage involved under section 8422 of such title (and not refunded), over

(B) the amount by which—

(i) the amount of the Government contributions actually made under section 8423 of such title with respect to the employee for the period of erroneous coverage involved, exceeds

(ii) the amount of the Government contributions that should have been made under section 8334 of such title with respect to the employee for the period of erroneous coverage involved.

(2) AGENCY TO BE REIMBURSED FOR CERTAIN AMOUNTS.—

(A) IN GENERAL.—The employee for whom the payment under paragraph (1) is made shall repay to the agency (referred to in paragraph (1)) an amount equal to the OASDI employee taxes refunded or refundable to such employee for any portion of the period of erroneous coverage involved (computed in such manner as the Director of the Office of Personnel Management, with the concurrence of the Commissioner of Social Security, shall by regulation prescribe), not to exceed the amount described in paragraph (1)(A).

(B) RIGHT OF RECOVERY; WAIVER.—If the employee fails to repay the amount required under subparagraph (A), a sum equal to the amount outstanding is recoverable by the Government from the employee (or the employee's estate, if applicable) by—

(i) setoff against accrued pay, compensation, amount of retirement credit, or another amount due the employee from the Government; and

(ii) such other method as is provided by law for the recovery of amounts owing to the Government.

The head of the agency concerned may waive, in whole or in part, a right of recovery under this paragraph if it is shown that recovery would be against equity and good conscience or against the public interest.

(C) TREATMENT OF AMOUNTS REPAID OR RECOVERED.—Any amount repaid by, or recovered from, an individual (or an estate) under this paragraph shall be credited to the appropriation, fund, or account from which the amount involved was originally paid.

(c) DISPOSITION OF EXCESS TSP CONTRIBUTIONS.—Section 105(c) shall apply in the case of an employee described in subsection (a).

SEC. 133. EFFECT OF AN ELECTION TO BE TRANSFERRED FROM FERS TO CSRS-OFFSET TO CORRECT A RETIREMENT COVERAGE ERROR.

(a) APPLICABILITY.—This section shall apply in the case of any employee affected by an error described in section 131(a)(2) who elects the option available to such employee under section 131(b)(1)(B).

(b) EFFECT.—The effect of an election referred to in subsection (a) shall be substantially the same as that described in section 105.

SEC. 134. EFFECT OF AN ELECTION TO BE RESTORED TO FERS AFTER HAVING BEEN CORRECTED TO CSRS.

(a) APPLICABILITY.—This section shall apply in the case of any employee affected by an error described in section 131(a)(1) who elects the option under section 131(c)(1).

(b) EFFECT.—The effect of an election referred to in subsection (a) shall be substantially the same as that described in section 102.

SEC. 135. EFFECT OF AN ELECTION TO BE RESTORED TO FERS AFTER HAVING BEEN CORRECTED TO CSRS-OFFSET.

(a) APPLICABILITY.—This section shall apply in the case of any employee affected by an error described in section 131(a)(2) who elects the option under section 131(c)(1).

(b) EFFECT.—The effect of an election referred to in subsection (a) shall be substantially the same as that described in section 103.

SEC. 136. DISQUALIFICATION OF CERTAIN INDIVIDUALS TO WHOM SAME ELECTION WAS PREVIOUSLY AVAILABLE.

Notwithstanding any other provision of this subtitle, an election under this subtitle shall not be available in the case of any individual to whom an election under section 846.204 of title 5 of the Code of Federal Regulations (as in effect as of January 1, 1997) was made available in connection with the same error pursuant to notification provided in accordance with such section.

Subtitle E—Employee Who Should Have Been CSRS-Offset Covered, But Who Was Erroneously CSRS Covered Instead

SEC. 141. AUTOMATIC TRANSFER TO CSRS-OFFSET.

(a) APPLICABILITY.—This subtitle shall apply in the case of any employee who should be (or should have been) CSRS-Offset covered but, as a result of a retirement coverage error, is (or was) CSRS covered instead.

(b) UNCORRECTED ERROR.—If the error has not been corrected, the employee shall be treated in the same way as if such employee had instead been CSRS-Offset covered, effective retroactive to the effective date of such error.

(c) CORRECTED ERROR.—If the error has been corrected, the correction shall (to the extent not already carried out) be made effective retroactive to the effective date of such error.

SEC. 142. EFFECT OF TRANSFER.

The effect of a transfer under section 141 shall be as set forth in regulations which the Office of Personnel Management shall prescribe consistent with section 104.

Subtitle F—Employee Who Should Have Been CSRS Covered, But Who Was Erroneously CSRS-Offset Covered Instead

SEC. 151. ELECTIONS.

(a) APPLICABILITY.—This subtitle shall apply in the case of any employee who should be (or should have been) CSRS covered but, as a result of a retirement coverage error, is (or was) CSRS-Offset covered instead.

(b) UNCORRECTED ERROR.—If, at the time of making an election under this section, the retirement coverage error described in subsection (a) has not been corrected, the employee affected by such error may elect—

(1) to be CSRS covered instead; or

(2) to remain CSRS-Offset covered.

(c) CORRECTED ERROR.—If, at the time of making an election under this section, the retirement coverage error described in subsection (a) has been corrected, the employee affected by such error may elect—

(1) to be CSRS-Offset covered instead; or

(2) to remain CSRS covered.

(d) DEFAULT RULE.—If the employee is given written notice in accordance with section 201 as to the availability of an election under this section, but does not make any such election within the 6-month period beginning on the date on which such notice is so given, the option under subsection (b)(2) or (c)(2), as applicable, shall be deemed to have been elected on the last day of such period.

(e) RETROACTIVE EFFECT.—An election under this section (including an election by default, and an election to remain covered by the retirement system by which the electing individual is covered as of the date of the election) shall be effective retroactive to the effective date of the retirement coverage error (as referred to in subsection (a)) to which such election relates.

SEC. 152. EFFECT OF AN ELECTION TO BE TRANSFERRED FROM CSRS-OFFSET TO CSRS TO CORRECT THE RETIREMENT COVERAGE ERROR.

(a) APPLICABILITY.—This section shall apply in the case of any employee affected by an error described in section 151(a) who elects the option available to such employee under section 151(b)(1).

(b) MAKEUP CONTRIBUTIONS TO THE CSRDF.—

(1) IN GENERAL.—Upon notification that an employee has made an election under this section, the agency in or under which such employee is employed shall promptly pay to the CSRDF, in a lump sum, an amount equal to the amount by which—

(A) the amount that should have been deducted and withheld from the pay of the employee for the period of erroneous coverage involved under section 8334 of title 5, United States Code (by virtue of being CSRS covered), exceeds

(B) any amounts actually deducted and withheld from the pay of the employee for the period of erroneous coverage involved under such section (pursuant to CSRS-Offset coverage).

(2) AGENCY TO BE REIMBURSED FOR CERTAIN AMOUNTS.—

(A) IN GENERAL.—The employee for whom the payment under paragraph (1) is made shall repay to the agency (referred to in paragraph (1)) an amount equal to the OASDI employee taxes refunded or refundable to such employee for any portion of the period of erroneous coverage involved (computed in such manner as the Director of the Office of Personnel Management, with the concurrence of the Commissioner of Social Security, shall by regulation prescribe), not

to exceed the amount described in paragraph (1)(A).

(B) RIGHT OF RECOVERY; WAIVER.—If the employee fails to repay the amount required under subparagraph (A), a sum equal to the amount outstanding is recoverable by the Government from the employee (or the employee's estate, if applicable) by—

(i) setoff against accrued pay, compensation, amount of retirement credit, or another amount due the employee from the Government; and

(ii) such other method as is provided by law for the recovery of amounts owing to the Government.

The head of the agency concerned may waive, in whole or in part, a right of recovery under this paragraph if it is shown that recovery would be against equity and good conscience or against the public interest.

(C) TREATMENT OF AMOUNTS REPAID OR RECOVERED.—Any amount repaid by, or recovered from, an individual (or an estate) under this paragraph shall be credited to the appropriation, fund, or account from which the amount involved was originally paid.

(3) DEPOSIT TO BE BASED ON AMOUNT OF REFUND ACTUALLY RECEIVED.—For purposes of applying sections 8334(d)(1) and 8339(i) of title 5, United States Code, in the case of an employee described in subsection (a) who has received a refund of deductions that are attributable to a period when the employee was erroneously CSRS-Offset covered, nothing in either of those sections shall be considered to require that, in order to receive credit for that period as a CSRS-covered employee, a deposit be made in excess of the refund actually received for such period, plus interest.

SEC. 153. EFFECT OF AN ELECTION TO BE RESTORED TO CSRS-OFFSET AFTER HAVING BEEN CORRECTED TO CSRS.

(a) APPLICABILITY.—This section shall apply in the case of any employee affected by an error described in section 151(a) who elects the option available to such employee under section 151(c)(1).

(b) DISPOSITION OF CONTRIBUTIONS TO THE CSRDF.—In the case of an employee described in subsection (a), the provisions of section 102(b) shall apply, except that, in applying such provisions—

(1) "the applicable provisions of section 8334" shall be substituted for "section 8422" in paragraph (1)(B)(ii)(II) thereof; and

(2) "the applicable provisions of section 8334" shall be substituted for "section 8423" in paragraph (2)(B)(ii)(II) thereof.

Subtitle G—Additional Provisions Relating to Government Agencies

SEC. 161. REPAYMENT REQUIRED IN CERTAIN SITUATIONS.

(a) IN GENERAL.—An individual who previously received a payment ordered by a court or provided as a settlement of claim for losses resulting from a retirement coverage error shall not be entitled to make an election under this Act unless repayment of the amount so received by such individual is waived in whole or in part by the Office of Personnel Management, and any amount not waived is repaid.

(b) REGULATIONS.—Any repayment under this section shall be made in accordance with regulations prescribed by the Office.

SEC. 162. EQUITABLE SHARING OF AMOUNTS PAYABLE FROM THE GOVERNMENT IF MORE THAN ONE AGENCY INVOLVED.

The Office of Personnel Management shall by regulation prescribe rules under which, in the case of an employee who has been employed in or under more than 1 agency since the date of the retirement coverage error involved (and before its rectification under this Act), any contributions or other amounts required to be paid from the then current employing agency (other than lost earnings under section 163(a)(2)) shall be equitably allocated between or among the appropriate agencies.

SEC. 163. PROVISIONS RELATING TO THE ORIGINAL RESPONSIBLE AGENCY.

(a) OBLIGATIONS OF THE ORIGINAL RESPONSIBLE AGENCY.—

(1) EXPENSES FOR SERVICES OF FINANCIAL ADVISOR.—The Office of Personnel Management shall by regulation prescribe rules under which, in the case of any employee eligible to make an election under this Act, the original responsible agency (as determined under succeeding provisions of this section) shall pay (or make reimbursement for) any reasonable expenses incurred by such employee for services received from any licensed financial or legal consultant or advisor in connection with such election.

(2) SPECIAL RULE.—Such regulations shall also include provisions to ensure that, to the extent lost earnings under the Thrift Savings Fund are involved in connection with a particular error, the original responsible agency shall pay (or reimburse any other agency that pays) any amounts to the Thrift Savings Fund representing lost earnings with respect to such error.

(b) ORIGINAL RESPONSIBLE AGENCY DEFINED.—For purposes of this Act, the term "original responsible agency", with respect to a retirement coverage error affecting an employee, means—

(1) except in the situation described in paragraph (2), the agency determined by the Office of Personnel Management to have made the initial retirement coverage error (including one made before January 1, 1984); or

(2) if the error is attributable, in whole or in part, to an erroneous regulation promulgated by the Office of Personnel Management, such Office.

(c) PROCEDURES FOR IDENTIFYING THE ORIGINAL RESPONSIBLE AGENCY.—

(1) IN GENERAL.—For purposes of this section, the original responsible agency, in any situation to which this section applies, shall be identified by the Office of Personnel Management in accordance with regulations which the Office shall prescribe.

(2) FINALITY.—A determination made by the Office under this subsection shall be final and not subject to any review.

(d) IF ORIGINAL RESPONSIBLE AGENCY NO LONGER EXISTS.—If the agency which (before the application of this subsection) is identified as the original responsible agency no longer exists (whether because of a reorganization or otherwise)—

(1) the successor agency (as determined under regulations prescribed by the Office) shall be treated as the original responsible agency; or

(2) if none, this section shall be applied by substituting the CSRDF for the original responsible agency.

(e) SOURCE OF PAYMENTS IF ERROR DUE TO ERRONEOUS OPM REGULATIONS.—In any case in which the Office of Personnel Management is the original responsible agency by reason of subsection (b)(2), any amounts payable from the Office under this section shall be payable from the CSRDF.

TITLE II—GENERAL PROVISIONS

SEC. 201. IDENTIFICATION AND NOTIFICATION REQUIREMENTS.

(a) IN GENERAL.—The Office of Personnel Management shall prescribe regulations under which Government agencies shall take such measures as may be necessary to ensure that all individuals who are (or have been) affected by a retirement coverage error giving rise to any election or automatic change in retirement coverage under this Act shall be promptly identified and notified in accordance with this section.

(b) MATTER TO BE INCLUDED IN NOTICE TO INDIVIDUALS.—Any notice furnished under this section shall be made in writing and shall include at least the following:

(1) DESCRIPTION OF ERROR.—A description of the error involved, including a clear and concise explanation as to why the original retirement coverage determination was erroneous, citations to (and a summary description of) the pertinent provisions of law, and how that determination should instead have been made.

(2) METHOD FOR RECTIFICATION.—How the error is to be rectified under this Act, including whether rectification will be achieved through an automatic change in retirement coverage (and, if so, the time, form, and manner in which that change will be effected) or an election.

(3) ELECTION PROCEDURES, ETC.—If an election is provided under this Act, all relevant information as to how such an election may be made, the options available, the differences between those respective options (as further specified in succeeding provisions of this subsection), and the consequences of failing to make a timely election.

(4) ACCRUED BENEFITS, ETC.—With respect to the (or each) retirement system by which the individual is then covered (disregarding the Thrift Savings Plan), and to the extent applicable:

(A) A brief summary of any benefits accrued.

(B) The amount of employee contributions made to date and the effect of any applicable disposition rules relating thereto (including provisions relating to excess amounts or shortfalls).

(C) The amount of any Government contributions made to date and the effect of any applicable disposition rules relating thereto (including provisions relating to excess amounts or shortfalls).

(5) THRIFT SAVINGS FUND.—With respect to the Thrift Savings Fund, the balance that then is (or would be) credited to the individual's account depending on the option chosen, with any such balance to be shown both in the aggregate and broken down by—

(A) individual contributions,

(B) automatic (1 percent) Government contributions, and

(C) matching Government contributions,

including lost earnings on each and the extent to which any makeup contributions or forfeitures would be involved.

(6) OASDI BENEFITS.—Such information regarding benefits under title II of the Social Security Act as the Commissioner of Social Security considers appropriate.

(7) OTHER INFORMATION.—Any other information that the Director of the Office of Personnel Management may by regulation prescribe after consultation with the Executive Director of the Federal Retirement Thrift Investment Board and such other agency heads as the Director considers appropriate, including any appeal rights available to the individual.

(c) COMPARISONS.—Any amounts required to be included under subsection (b)(4) shall, with respect to the respective retirement systems involved, be determined—

(1) as of the date the retirement coverage error was corrected (if applicable);

(2) as of the then most recent date for which those benefits and amounts are ascertainable, assuming no change in retirement coverage; and

(3) as of the then most recent date for which those benefits and amounts are ascertainable, assuming the alternative option is chosen.

(d) PAST ERRORS.—All measures required under this section shall, with respect to errors preceding the date specified in section 206(e) (relating to the effective date for all regulations prescribed under this Act), be completed no later than December 31, 2001.

SEC. 202. INDIVIDUAL APPEAL RIGHTS.

(a) IN GENERAL.—An individual aggrieved by a final determination under this Act shall be entitled to appeal such determination to the Merit Systems Protection Board under section 7701 of title 5, United States Code.

(b) NOTIFICATION APPEALS.—The Office of Personnel Management shall by regulation establish procedures under which individuals may bring an appeal to the Office with respect to any failure to have been properly notified in accordance with section 201. A final determination under this subsection shall be appealable under subsection (a).

SEC. 203. INFORMATION TO BE FURNISHED BY GOVERNMENT AGENCIES TO AUTHORITIES ADMINISTERING THIS ACT.

(a) APPLICABILITY.—The authorities identified in this subsection are:

(1) The Director of the Office of Personnel Management.

(2) The Commissioner of Social Security.

(3) The Executive Director of the Federal Retirement Thrift Investment Board.

(b) AUTHORITY TO OBTAIN INFORMATION.—Each authority identified in subsection (a) may secure directly from any department or agency of the United States information necessary to enable such authority to carry out its responsibilities under this Act. Upon request of the authority involved, the head of the department or agency involved shall furnish that information to the requesting authority.

(c) LIMITATION; SAFEGUARDS.—Each of the respective authorities under subsection (a)—

(1) shall request only such information as that authority considers necessary; and

(2) shall establish, by regulation or otherwise, appropriate safeguards to ensure that any information obtained under this section shall be used only for the purpose authorized.

SEC. 204. SOCIAL SECURITY RECORDS.

Notwithstanding any limitations in section 205 of the Social Security Act regarding the modification of wage records maintained by the Commissioner of Social Security for purposes of title II of such Act, the Commissioner of Social Security shall modify the wage record of each employee affected by a retirement coverage error to change, add, or delete any entry regarding service as an employee to the extent necessary to carry out the purposes of this Act or the Social Security Act.

SEC. 205. CONFORMING AMENDMENTS RESPECTING SOCIAL SECURITY COVERAGE AND OASDI TAXES.

(a) SOCIAL SECURITY COVERAGE.—Section 210(a)(5)(H) of the Social Security Act (42 U.S.C. 410(a)(5)(H)) is amended—

(1) in clause (i) by striking "or" at the end;

(2) in clause (ii) by striking the semicolon and inserting ", or"; and

(3) by adding at the end the following:

"(iii)(I) described in section 111(a)(3) of the Federal Retirement Coverage Corrections Act, on or after the effective date of an election (or deemed election) by such individual under section 111(b)(2) of such Act,

"(II) described in section 131(a)(1) of such Act, on or after the effective date of an election (or deemed election) by such individual under subsection (b)(2) or (c)(1) of section 131 of such Act, or

"(III) described in section 151(a) of such Act, on or after the effective date of an election (or deemed election) by such individual under subsection (b)(2) or (c)(1) of section 151 of such Act;".

(b) OASDI TAXES.—Section 3121(b)(5)(H) of the Internal Revenue Code of 1986 is amended—

(1) in clause (i) by striking "or" at the end;

(2) in clause (ii) by striking the semicolon and inserting ", or"; and

(3) by adding at the end the following:

"(iii)(I) described in section 111(a)(3) of the Federal Retirement Coverage Corrections Act, on or after the effective date of an election (or deemed election) by such individual under section 111(b)(2) of such Act,

"(II) described in section 131(a)(1) of such Act, on or after the effective date of an election (or deemed election) by such individual under subsection (b)(2) or (c)(1) of section 131 of such Act, or

"(III) described in section 151(a) of such Act, on or after the effective date of an election (or deemed election) by such individual under subsection (b)(2) or (c)(1) of section 151 of such Act;".

SEC. 206. REGULATIONS.

(a) IN GENERAL.—Any regulations necessary to carry out this Act shall be prescribed by the Director of the Office of Personnel Management, the Executive Director of the Federal Retirement Thrift Investment Board, the Commissioner of Social Security, the Secretary of the Treasury, and any other appropriate authority, with respect to matters within their respective areas of jurisdiction.

(b) MATTERS TO BE INCLUDED.—The regulations prescribed by the Director of the Office of Personnel Management shall include at least the following:

(1) FORMER EMPLOYEES, ANNUITANTS, AND SURVIVOR ANNUITANTS.—

(A) IN GENERAL.—Provisions under which, to the maximum extent practicable and in appropriate circumstances, any election available to an employee under subtitle A, B, D, or F of title I shall be available to a former employee, annuitant, or survivor annuitant.

(B) SUBTITLE C SITUATIONS.—Provisions under which subtitle C of title I shall apply in the case of a former employee.

(C) SUBTITLE E SITUATIONS.—Provisions under which the purposes of this paragraph shall be carried with respect to any situation under subtitle E of title I.

(2) FORMER SPOUSES.—Provisions under which appropriate notification shall be afforded to any former spouse affected by a change in retirement coverage pursuant to this Act.

(3) PROCEDURAL REQUIREMENTS.—Provisions establishing the procedural requirements in accordance with which any determinations under this Act (not otherwise addressed in this Act) shall be made, in conformance with the requirements of this Act.

(4) AUTHORITY TO MAKE ACTUARIAL REDUCTION IN ANNUITY BY REASON OF CERTAIN UNPAID AMOUNTS.—Provisions under which any payment required to be made by an individual to the Government in order to make an election under this Act which remains unpaid may be made by a reduction in the appropriate annuity or survivor annuity. The reduction shall, to the extent practicable, be designed so that the present value of the future reduction is actuarially equivalent to the amount so required.

(c) DEFINITIONS.—For purposes of this section—

(1) the term "annuitant" means any individual who is an annuitant as defined by section 8331(9) or 8401(2) of title 5, United States Code; and

(2) the term "former employee" includes any former employee who satisfies the service requirement for title to a deferred annuity under chapter 83 or 84 of such title 5 (as applicable), but—

(A) has not attained the minimum age required for title to such an annuity; or

(B) has not filed claim therefor.

(d) COORDINATION RULE.—In prescribing regulations to carry out this Act, the Director of the Office of Personnel Management shall consult with—

(1) the Administrative Office of the United States Courts;

(2) the Clerk of the House of Representatives;

(3) the Sergeant at Arms and Doorkeeper of the Senate; and

(4) other appropriate officers or authorities.

(e) EFFECTIVE DATE.—All regulations necessary to carry out this Act shall take effect as of the first day of the first month beginning after the end of the 6-month period beginning on the date of enactment of this Act.

SEC. 207. ALL ELECTIONS TO BE APPROVED BY OPM.

Notwithstanding any other provision of this Act, no election under this Act (other than an election by default) may be given effect until the Office of Personnel Management has determined, in writing, that such election is in compliance with the requirements of this Act.

SEC. 208. ADDITIONAL TRANSFERS TO OASDI TRUST FUNDS IN CERTAIN CASES.

If the Commissioner of Social Security determines that the payment of the OASDI taxes described in this Act did not result in a credit to the OASDI trust funds of an equal amount, the Commissioner of Social Security shall notify the Secretary of the Treasury of the amount of any shortfall. Promptly upon receiving such notification, the Secretary of the Treasury shall transfer an amount equal to such shortfall from the general fund of the Treasury to the OASDI trust funds.

SEC. 209. TECHNICAL AND CONFORMING AMENDMENTS.

(a) AMENDMENT RELATING TO LIMITATION ON SOURCES FROM WHICH CONTRIBUTIONS TO THE THRIFT SAVINGS FUND ARE ALLOWED.—Section 8432(h) of title 5, United States Code, is amended by striking "title." and inserting "title or the Federal Retirement Coverage Corrections Act.".

(b) DESCRIPTION OF AMOUNTS COMPRISING THE THRIFT SAVINGS FUND.—Section 8437(b) of title 5, United States Code, is amended by striking "expenses)." and inserting "expenses), as well as contributions under the Federal Retirement Coverage Corrections Act (and lost earnings made up under such Act).".

(c) ADMINISTRATIVE EXPENSES.—

(1) THRIFT SAVINGS PLAN.—Section 8437(d) of title 5, United States Code, is amended by inserting "(including the provisions of the Federal Retirement Coverage Corrections Act that relate to this subchapter)" after "this subchapter".

(2) CSRS, CSRS-OFFSET, FERS.—Section 8348(a)(2) of title 5, United States Code, is

amended by striking "statutes;" and inserting "statutes (including the provisions of the Federal Retirement Coverage Corrections Act that relate to this subchapter);".

(3) MSPB.—Section 8348(a)(3) of title 5, United States Code, is amended by striking "title." and inserting "title and the Federal Retirement Coverage Corrections Act.".

TITLE III—OTHER PROVISIONS

SEC. 301. PROVISIONS TO PERMIT CONTINUED CONFORMITY OF OTHER FEDERAL RETIREMENT SYSTEMS.

(a) FOREIGN SERVICE.—The Secretary of State shall issue regulations to provide for the application of the provisions of this Act in a like manner with respect to participants, annuitants, or survivors under the Foreign Service Retirement and Disability System or the Foreign Service Pension System (as applicable), except that—

(1) any individual aggrieved by a final determination shall appeal such determination to the Foreign Service Grievance Board instead of the Merit Systems Protection Board under section 202; and

(2) the Secretary of State shall perform the functions and exercise the authority vested in the Office of Personnel Management or the Director of the Office of Personnel Management under this Act.

(b) CENTRAL INTELLIGENCE AGENCY.—Sections 292 and 301 of the Central Intelligence Agency Retirement Act (50 U.S.C. 2141 and 2151) shall apply with respect to this Act in the same manner as if this Act were part of—

(1) the Civil Service Retirement System, to the extent this Act relates to the Civil Service Retirement System; and

(2) the Federal Employees' Retirement System, to the extent this Act relates to the Federal Employees' Retirement System.

SEC. 302. PROVISIONS TO PREVENT REDUCTIONS IN FORCE AND ANY UNFUNDED LIABILITY IN THE CSRDF.

(a) PROVISIONS TO PREVENT REDUCTIONS IN FORCE.—

(1) LIMITATION.—An agency required to make any payments under this Act may not conduct any reduction in force solely by reason of any current or anticipated lack of funds attributable to such payments.

(2) ALTERNATIVE REQUIRED.—In the circumstance described in paragraph (1), any cost savings that (but for this subsection) would otherwise be sought through reductions in force shall instead be achieved through attrition and limitations on hiring.

(b) PROVISIONS TO PREVENT UNFUNDED LIABILITY.—

(1) IN GENERAL.—For purposes of section 8348(f) of title 5, United States Code, any unfunded liability in the CSRDF created as a result of an election made (or deemed to have been made) under this Act, as determined by the Office of Personnel Management, shall be considered a new benefit payable from the CSRDF.

(2) COORDINATION RULE.—Paragraph (1) shall not apply to the extent that subsection (h), (i), or (m) of section 8348 of title 5, United States Code, would otherwise apply.

SEC. 303. INDIVIDUAL RIGHT OF ACTION PRESERVED FOR AMOUNTS NOT OTHERWISE PROVIDED FOR UNDER THIS ACT.

Nothing in this Act shall preclude an individual from bringing a claim against the Government of the United States which such individual may have under section 1346(b) or chapter 171 of title 28, United States Code, or any other provision of law (except to the extent the claim is for any amounts otherwise provided for under this Act).

SEC. 304. EXTENSION OF OPEN ENROLLMENT PERIOD TO EMPLOYEES UNDER THE FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM.

Section 860 of the Foreign Service Act of 1980 (22 U.S.C. 4071i) is amended by inserting after the first sentence the following: "The Secretary of State shall, in addition, issue regulations providing for an election for coverage under the Foreign Service Pension System for employees covered under the Foreign Service Retirement and Disability System comparable to the election provided for by the Federal Employees' Retirement System Open Enrollment Act of 1997.".

TITLE IV—TAX PROVISIONS

SEC. 401. TAX PROVISIONS.

(a) PLAN QUALIFICATION.—No retirement plan of the United States (or any agency thereof) shall fail to be treated as a qualified plan under the Internal Revenue Code of 1986 by reason of any action taken under this Act.

(b) TRANSFERS.—For purposes of the Internal Revenue Code of 1986, no amount shall be includible in the gross income of any individual by reason of any direct transfer under this Act between funds or any Government contribution under this Act to any fund or account, and no amount shall be subject to tax under subtitle C of such Code by reason of any such transfer or contribution.

The SPEAKER pro tempore (Mr. STEARNS). Pursuant to the rule, the gentleman from Florida (Mr. MICA) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. MICA).

GENERAL LEAVE

Mr. MICA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3249, as amended, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MICA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I come before the House this afternoon to present the Federal Retirement Coverage Corrections Act. This legislation is critically important to thousands of our Federal employees. This is a piece of legislation that has very strong bipartisan support. Both Republicans and Democrat members of our Subcommittee on Civil Service of the Committee on Government Reform and Oversight are original cosponsors of this bill.

I want to take first a moment, Mr. Speaker, to thank the distinguished ranking member of the Subcommittee on Civil Service, the gentleman from Maryland (Mr. CUMMINGS), for his leadership on this issue. He and I have worked very closely on this bill, and I appreciate the hard work that he has put forth. I also want to commend the work of both the majority and minority staff on this issue. I know the gentleman from Maryland is truly personally dedicated to bringing real relief to victims of these errors and the victims who testified before our Subcommittee on Civil Service.

I also commend the distinguished gentlewoman from Maryland (Mrs. MORELLA). The gentlewoman has always been a forceful advocate for our Federal employees, and on this issue that is no exception. She has been a true leader and champion. The Federal civil service employees who were misclassified, and their families, have benefited greatly from her strong determination and her leadership in trying to right these wrongs.

I also want to take this opportunity to thank the distinguished chairman and ranking member of the Committee on Government Reform and Oversight, the gentleman from Indiana (Mr. BURTON) and the gentleman from California (Mr. WAXMAN), for their support.

Likewise, I appreciate the cooperation of the chairman and ranking member of the Committee on Ways and Means, the gentleman from Texas (Mr. ARCHER) and the gentleman from New York (Mr. RANGEL). Staffs of the Committee on Ways and Means and the Joint Committee on Taxation provided invaluable guidance on tax and Social Security issues involved in crafting this legislation.

Mr. Speaker, let me take a few minutes to explain why it is so important for the House to pass this bill today. An estimated 18,000 Federal employees have been placed in the wrong retirement system because Federal agencies, quite frankly, made mistakes. Federal agencies fouled up. The vast majority of these errors involved assignments to the Civil Service Retirement System, CSRS, or the Federal Employees Retirement System, generally known as FERS. But other agency blunders wrongly excluded some employees from both retirement systems. Still others were included in retirement when they did not qualify at all.

When these errors are discovered, and I say are discovered because not all of them have been discovered, current law requires agencies to move them into the right retirement system. These corrections are especially harmful to employees who are moved from Civil Service Retirement, the old system, into FERS, the new system.

Unlike the Civil Service Retirement System, which is the stand-alone system, the new system, FERS, consists of three components: the FERS basic annuity, Social Security, and the Thrift Savings Plan, or TSP. Without adequate Thrift Savings Plan accounts, employees will not have adequate retirement income, but current corrective procedures do not make the victim's TSP account whole. As a result, unless Congress acts, many victims of these errors will receive much less when they retire than they were really entitled to.

H.R. 3249 provides a comprehensive solution to all of these errors. Although its details are complicated, it rests on a few basic, simple, straightforward principles.

This bill recognizes that most victims of these agency errors had a legal right to participate in one of the Federal retirement systems. Therefore, each of these victims should have an opportunity to elect to participate in that system. They also have a right to receive approximately the same retirement benefits they could have earned if the agency had not erred.

But the bill also recognizes that these victims have relied on the benefits promised under the system to which they were assigned. Accordingly, victims are generally given a choice to remain in the system in which they were mistakenly placed.

Mr. Speaker, every victim should have a realistic opportunity to the retirement correction that best addresses their unfortunate circumstance. Therefore, this legislation provides fair, make-whole relief.

The importance of this make-whole relief cannot be overemphasized. Without it, the choices offered by this bill would be nothing but a cruel hoax for many of our Federal employees. Lower-income employees, and those who have been in the wrong system for a lengthy period, would be especially hard hit.

Let me cite an example described by the American Foreign Service Association. For about 10 years a foreign service officer was erroneously enrolled in the wrong system. When the error was discovered, he was switched to the right system. He was also told that he would have to contribute $65,000 to $75,000 to catch up on his Thrift Savings Plan account. In addition to that retroactive contribution, he would also have to make current contributions to the TSP. Mr. Speaker, few Federal employees could afford to meet such a burden. That is why this bill's make-whole relief is absolutely imperative.

Mr. Speaker, this legislation also protects the integrity of Social Security trust funds and prevents employees from incurring unfair tax burdens because these agency errors are corrected.

This has been, as I said, a joint effort, a bipartisan effort, to correct a wrong that was done to our Federal employees and Federal workers. This is, indeed, an effort to correct that situation, and this corrective legislation deserves the support of every Member of the House.

Mr. Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased that the gentleman from Florida (Mr. MICA), the chairman of the subcommittee, and I were able to work in a bipartisan way to bring this bill to the floor for a vote today. This legislation addresses a problem that he and I made a top priority for this session of Congress. It establishes a comprehensive framework to make whole those employees who were placed in the wrong retirement system by the Federal Government.

Few things in life are more important to a working person than having an adequate and secure retirement plan in place to provide for their future or that of their spouse. When a worker's retirement security is jeopardized by an employer's administrative error, tremendous emotional and financial pain can result unless a remedy is available that ensures its prompt and fair correction and avoids economic harm.

At the hearings on this matter last summer before the Subcommittee on Civil Service, we heard the testimony of four employees who had been the victims of enrollment errors made by their employing agencies. In each case the employee was initially placed in the Civil Service Retirement System, then years later informed that they should have been in the Federal Employees Retirement System, better known as FERS. Afforded no recourse or options, these employees were dumped into FERS and confronted with the need to make thousands of dollars of retroactive payments into a newly established Thrift Savings account.

Hundreds of other fellow employees have found themselves in the same situation over the past 10 years. Most have been forced to rearrange their lives and financial plans to rectify a problem not of their own making. Many without financial means have had to work beyond their planned retirement dates to build a full annuity. At least one had to sell his home to raise funds to make his thrift account whole.

Our committee, our subcommittee, heard them, we felt their pain, and we assured them that we would act. This situation was intolerable, and all of us felt the same way on our subcommittee. We made a very strong promise, which we have kept to those witnesses who shared their tragic stories at that hearing that day, that we would find a remedy. I believe that with the enactment of H.R. 3249, a solution will finally be at hand.

The Federal Retirement Coverage Corrections Act would essentially permit those who have been the victims of an enrollment error to remain in the retirement system they were mistakenly placed in or to be covered by the system they should have been in. It would also hold the government financially responsible for making whole an affected employee's Thrift Savings Account. Together, these provisions will end the harm now being done by the existing rules governing the correction of these errors.

In constructing this legislation, the chairman of the subcommittee sought to achieve accountability by holding those agencies guilty of making enrollment errors responsible for the cost of their corrections, and I applaud him for that. While I agree that accountability is a worthy goal, I, nevertheless, have been troubled that the resulting budgetary pressure could lead some agencies to initiate unplanned layoffs. I told the chairman I did not want our efforts to help out one group of employees while making victims of another.

Because he was willing to work with me on this matter, we have been able to reach a compromise that achieves what each of us wanted: Simply, accountability and job security. Reductions in force to pay expenses associated with the implementation of this act would be prohibited. Agencies would be required to realize any savings necessary to avoid RIFs through attrition and limitations on hiring.

Mr. Speaker, I thank the chairman of our subcommittee for bringing this important bill before the committee. My thanks to all of my colleagues on the Subcommittee on Civil Service for their steadfast commitment to addressing the problems caused by retirement coverage errors, and for you unanimously supporting the bill at the subcommittee's markup.

Finally, my thanks to our staff and that of the Office of Legislative Counsel for their tireless work in crafting H.R. 3249. All of their efforts were essential to what we have accomplished here today.

H.R. 3249 is a lengthy and complex bill which has evolved a great deal since our drafting began last fall. The subcommittee's work in this regard has benefited considerably from the input of the Office of Personnel Management, the Social Security Administration, and the staffs of several other congressional committees.

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I very much appreciated all of their comments and suggestions.

Mr. Speaker, I reserve the balance of my time.

Mr. MICA. Mr. Speaker, I am pleased to yield 5 minutes to the distinguished gentlewoman from Maryland [Mrs. MORELLA], a leader in our Subcommittee on Civil Service.

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in very strong support of H.R. 3249. It is very important legislation to remedy retirement enrollment errors. I want to add my very strong thanks to the chairman, the gentleman from Florida [Mr. MICA] and to his staff for the enormous work that they have done on this legislation.

I also want to thank the gentleman from Maryland [Mr. CUMMINGS], the

ranking member. I want to also thank the Committee on Government Reform and Oversight chair and ranking member, and also the Committee on Ways and Means.

So my colleagues can see, this has been a very important bipartisan effort involving a number of committees but emanating from problems that Federal employees had and in the subcommittee markup.

At the Subcommittee on Civil Service hearing last year, we heard some horror stories of those who were placed in the wrong retirement system. We cannot make up for the pain caused by these errors, but we can indeed prevent more errors from occurring and provide as fair a remedy as possible, which is what this legislation before us does.

We must move forward quickly to remedy the errors of the past and to prevent future suffering, especially as more employees discover they are in the wrong system during the current retirement open season.

Many, possibly thousands, of Federal employees who have been hired since the inception of FERS have been erroneously placed in CSRS. Many of them do not even know that they are in the wrong system, and serious financial consequences that await them if no legislation is enacted are going to be tremendous.

Those who have discovered their retirement errors have been deprived of critically important retirement and tax benefits and they have been subjected to severe strain and they have incurred tremendous legal expenses.

So, Mr. Speaker, the legislation before us truly makes whole those Federal employees who have already been corrected, many harmed really, such as one of my constituents, Barry Schrum. Under this bill, employees may choose to remain in the retirement system in which they were mistakenly placed or to be covered by the system in which they should have been placed. If an employee chooses FERS, this legislation makes them whole by making up lost earnings in their thrift savings plans in those accounts. I am pleased that this legislation will ensure that agencies are not unduly burdened by this legislation in making employees whole again.

So again, I want to congratulate all involved, particularly the leadership that came from the chairman and the ranking member of the subcommittee and the staffs that have made it all possible. Very important legislation. I urge my colleagues to join me in supporting this legislation.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also want to thank the gentlewoman from the District of Columbia [Ms. NORTON] of our subcommittee and the gentleman from Tennessee [Mr. FORD] who worked very hard to make sure that this legislation was as good as it is.

I also would like to reiterate the fact that we did work in a bipartisan way and it shows. This effort and the effort of our Subcommittee on Civil Service shows what good things can happen when we join hands and work together to lift up the lives of Americans and all people of the world.

Mr. Speaker, I yield back the balance of my time.

Mr. MICA. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, first I want to take a moment to also thank again the gentlewoman from Maryland (Mrs. MORELLA) for her leadership on this issue and several members of our subcommittee who are not with us this afternoon who also provided leadership, the gentleman from New Jersey (Mr. PAPPAS) and the gentleman from Texas (Mr. SESSIONS), who also supported and help craft this legislation.

Mr. Speaker, as we conclude our debate here this afternoon and presentation, H.R. 3249 will bring long overdue relief to the thousands of victims who have been misclassified because of Federal agency errors. Many of these errors have festered for more than 10 years and the procedures for correction available under current law do more harm than good.

These errors in current procedures have really had devastating effects on individuals in our Federal employ, both financially and emotionally. It is imperative that Congress act now. As time goes by, the cost of making employees' thrift savings accounts whole actually increases and the burden for the Federal Government increases. So does the human toll taken by these agency errors.

H.R. 3249 is a fair bill. It provides each affected employee with a real choice. Employees may elect to change their retirement enrollment or employees may ratify the agency errors by choosing to remain in the system in which they are mistakenly enrolled.

The make-whole relief that guarantees freedom of choice, even for those with low incomes, is adapted from an IRS review procedure. Surely, our Federal employees and retirees deserve no less than what the IRS has prescribed as a remedy for employees who are so aggrieved or abused in the private sector.

Mr. Speaker, H.R. 3249 is supported by many organizations. It is supported by the Senior Executive Association, the National Federation of Federal Employees, the American Foreign Service Association, the National Association of Letter Carriers, the National Association of Postmasters of the United States, and the Federal Managers Association.

All Members should join with the hundreds of thousands of employees of these organizations with our Federal employees and retirees and support this long overdue reform. I urge their support this afternoon for H.R. 3249.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from Florida (Mr. MICA) that the House suspend the rules and pass the bill, H.R. 3249, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order: H.R. 3874, on which the yeas and nays are ordered; House Concurrent Resolution 208, on which the yeas and nays are ordered; House Resolution 392, on which the yeas and nays are ordered; and House Concurrent Resolution 301, on which the yeas and nays are ordered.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in the series.

CHILD NUTRITION AND WIC REAUTHORIZATION AMENDMENTS OF 1998

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3874, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. GOODLING] that the House suspend the rules and pass the bill, H.R. 3874, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were— yeas 383, nays 1, not voting 50, as follows:

[Roll No. 297]

YEAS—383

Abercrombie	Bentsen	Brady (TX)
Aderholt	Bereuter	Brown (CA)
Allen	Berman	Brown (FL)
Andrews	Berry	Brown (OH)
Archer	Bilbray	Bryant
Armey	Bishop	Bunning
Bachus	Bliley	Burr
Baesler	Blumenauer	Burton
Baldacci	Blunt	Buyer
Ballenger	Boehlert	Callahan
Barcia	Boehner	Calvert
Barr	Bonilla	Camp
Barrett (NE)	Bonior	Campbell
Bartlett	Bono	Canady
Barton	Borski	Cannon
Bass	Boswell	Capps
Bateman	Boyd	Cardin
Becerra	Brady (PA)	Carson

Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coburn
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Dickey
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Filner
Foley
Forbes
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Metcalf
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Nussle
Oberstar
Obey
Olver
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—50

Ackerman
Baker
Barrett (WI)
Bilirakis
Blagojevich
Boucher
Coble
Cook
Danner
Diaz-Balart
Dixon
Ehrlich
Fattah
Fawell
Fazio
Ford
Frost
Gephardt
Gonzalez
Gutierrez
Hefner
Hilleary
Hilliard
Horn
Jefferson
John
Kilpatrick
Lewis (GA)
Lipinski
Maloney (CT)
Maloney (NY)
McDade
Menendez
Millender-McDonald
Norwood
Ortiz
Owens
Paxon
Pomeroy
Poshard
Reyes
Riggs
Ros-Lehtinen
Roybal-Allard
Stokes
Thompson
Torres
Towns
Walsh
Whitfield

□ 1746

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to amend the National School Lunch Act and the Child Nutrition Act of 1996 to provide children with increased access to food and nutrition assistance, to simplify program operations and improve program management, to extend certain authorities contained in those Acts through fiscal year 2003, and for other purposes."

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. COOK. Mr. Speaker, on rollcall No. 297, on H.R. 3874, The Child Nutrition and WIC Reauthorization Amendments of 1998:

My son's LDS missionary farewell in Salt Lake City was Sunday afternoon July 19 which precluded my return to Washington on Sunday. The first flight Monday, July 20 caused me to be just minutes late for the vote.

Had I been present, I would have voted yes.

PERSONAL EXPLANATION

Mr. HORN. Mr. Speaker, on rollcall No. 297, on H.R. 3874, The Child Nutrition and WIC Reauthorization Amendments of 1998, I was unavoidably delayed on official business. Since I strongly support the Women, Infants, and Children and other nutrition programs, if I had been present, I would have voted "Aye".

PERSONAL EXPLANATION

Mr. DIAZ-BALART. Mr. Speaker, had I been present for the vote on H.R. 3874, The Child Nutrition and WIC Reauthorization Amendments of 1998, I would have voted "aye".

PERSONAL EXPLANATION

Mr. MENENDEZ. Mr. Speaker, during today's rollcall vote number 297, I was unavoidably detained due to a late flight. Had I been present, I would have voted "yes."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

SENSE OF CONGRESS REGARDING ACCESS TO AFFORDABLE HOUSING AND EXPANSION OF HOMEOWNERSHIP OPPORTUNITIES

The SPEAKER pro tempore (Mr. HULSHOF). The pending business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 208.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. LAZIO) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 208, on which the yeas and nays were ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 390, nays 0, not voting 44, as follows:

[Roll No. 298]

YEAS—390

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Dickey
Dicks
Dingell
Doggett
Dooley

Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fazio
Filner
Foley
Forbes
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Nussle
Oberstar
Obey
Olver
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—44

Ackerman
Baker
Barrett (WI)
Bilirakis
Blagojevich
Boucher
Brown (CA)
Coble
Danner
Diaz-Balart
Dixon
Ehrlich
Fattah
Fawell
Ford
Frost
Gephardt
Gonzalez
Hefner
Hilliard
Jefferson
John
Kilpatrick
Lewis (GA)
Lipinski
Maloney (CT)
Maloney (NY)
McDade
Millender-McDonald
Norwood
Ortiz
Owens
Paxon
Pomeroy
Poshard
Reyes
Riggs
Ros-Lehtinen
Roybal-Allard
Stokes
Thompson
Towns
Walsh
Whitfield

□ 1756

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. DIAZ-BALART. Mr. Speaker, had I been present for the vote on H. Con. Res. 208, Expressing the Sense of the Congress Regarding Access to Affordable Housing and Expansion of Homeownership Opportunities, I would have voted "aye."

RELATING TO THE IMPORTANCE OF JAPANESE-AMERICAN RELATIONS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, House Resolution 392, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and agree to the resolution, House Resolution 392, as amended, on which the yeas and nays were ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 391, nays 2, not voting 41, as follows:

[Roll No. 299]

YEAS—391

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Dickey
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fazio
Filner
Foley
Forbes
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Nussle
Oberstar
Obey
Olver
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger

Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Turner
Upton
Velázquez
Vento
Visclosky
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—2

Hefley
Paul

NOT VOTING—41

Ackerman
Baker
Barrett (WI)
Bilirakis
Blagojevich
Boucher
Coble
Danner
Diaz-Balart
Dixon
Ehrlich
Fattah
Fawell
Ford
Frost
Gephardt
Gonzalez
Hefner
Hilliard
Jefferson
John
Kilpatrick
Lewis (GA)
Lipinski
Maloney (CT)
Maloney (NY)
McDade
Millender-McDonald
Norwood
Ortiz
Owens
Paxon
Poshard
Riggs
Ros-Lehtinen
Roybal-Allard
Stokes
Thompson
Towns
Traficant
Walsh

□ 1805

So (two-thirds having voted in favor thereof), the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. DIAZ-BALART. Mr. Speaker, had I been present for the vote on H. Res. 392, Relating to the Importance of Japanese American Relations, I would have voted "aye."

AFFIRMING UNITED STATES COMMITMENT TO TAIWAN

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 301.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 301, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 390, nays 1, not voting 43, as follows:

[Roll No. 300]

YEAS—390

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Dickey
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fazio
Filner
Foley
Forbes
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Nussle
Oberstar
Obey
Olver
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Turner
Upton
Velázquez
Vento
Visclosky
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—43

Ackerman
Baker
Barrett (WI)
Bilirakis
Blagojevich
Boucher
Coble
Danner
Diaz-Balart
Dixon
Ehrlich
Fattah
Fawell
Ford
Frost
Gephardt
Gonzalez
Gutierrez
Hefner
Hilliard
Jefferson
John
Kilpatrick
Lewis (GA)
Lipinski
Maloney (CT)
Maloney (NY)
McDade
Millender-McDonald
Norwood
Ortiz
Owens
Paxon
Poshard
Riggs
Ros-Lehtinen
Roybal-Allard
Spence
Stokes
Thompson
Towns
Traficant
Walsh

□ 1814

So (two-thirds having voted in favor thereof), the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. OWENS. Mr. Speaker, I was unavoidably detained earlier today and missed several roll call votes. Had I been present, I would have voted in the following manner:

1. H. Con. Res. 301—A resolution regarding U.S. Commitment to Taiwan—roll call #300—Yea.

2. H. Res. 392—A resolution relating to the importance of Japanese American Relations—roll call #299—Yea.

3. H. Con. Res. 208—A resolution expressing the sense of the Congress regarding access to affordable housing and expansion of home ownership opportunities—roll call #298—Yea.

4. H.R. 3874—"The Child Nutrition and WIC Reauthorization Amendments Act"—roll call #297—Yea.

PERSONAL EXPLANATION

Ms. KILPATRICK. Mr. Speaker, due to events in the 15th Congressional District of

Michigan, I was unavoidably detained for several House roll-call votes. Had I been present, I would have voted "aye" on final passage of H.R. 3874, the Child Nutrition and WIC Reauthorization Act; H. Con. Res. 208, Sense of the Congress Resolution Regarding Access to Affordable Housing; H. Res. 392, Relating to the Importance of Japanese American Relations; and H. Con. Res. 301, Regarding the Commitment of the United States to Taiwan.

PERSONAL EXPLANATION

Mr. DIAZ-BALART, Mr. Speaker, had I been present for the vote on H. Con. Res. 301, regarding United States Commitment to Taiwan, I would have voted "aye."

□ 1815

REPORT ON H.R. 4274, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

Mr. PORTER, from the Committee on Appropriations, submitted a privileged report (Rept. No. 105–635) on the bill (H.R. 4274), making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1999, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore (Mr. HULSHOF). All points of order are reserved on the bill.

PERMISSION FOR MEMBER TO BE CONSIDERED AS FIRST SPONSOR OF H.R. 1050

Ms. LEE. Mr. Speaker, I ask unanimous consent that I may be considered as the first sponsor of H.R. 1050, which was a bill originally introduced by Representative Dellums of California, for the purposes of adding cosponsors and requesting reprintings pursuant to clause 4 of rule XXII.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

SUBMISSION BY SECRETARY OF ENERGY OF PLAN FOR DISPOSITION OF DEPLETED URANIUM HEXAFLUORIDE

Mr. WHITFIELD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2316) to require the Secretary of Energy to submit to Congress a plan to ensure that all amounts accrued on the books of the United States Enrichment Corporation for the disposition of depleted uranium hexafluoride will be used to treat and recycle depleted uranium hexafluoride, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

Mr. STRICKLAND. Mr. Speaker, reserving the right to object, in order to allow the gentleman to explain his request, I yield to the gentleman for an explanation.

Mr. WHITFIELD. Mr. Speaker, I appreciate the gentleman from Ohio's request for an explanation.

Mr. Speaker, this bill requires the Secretary of Energy to submit a plan to ensure that monies already accrued by the United States Enrichment Corporation are utilized for their intended purpose, and that is the cleanup of depleted uranium hexafluoride waste. The corporation is nearing privatization. Without congressional action, there is no mechanism to ensure that monies will be available to deal with the cleanup of depleted uranium.

Since the bill was passed in the Senate, the Committee on Commerce has had discussions with the Department of Energy, the Department of Treasury, and the Office of Management and Budget to discuss this legislation. It is my understanding the administration has no objection to S. 2316, and I recommend its approval by the House to ensure that the money accrued by USEC will be spent for its intended purpose.

Mr. STRICKLAND. Mr. Speaker, further reserving my right to object, I yield to the gentleman from Kentucky (Mr. BUNNING) for a further explanation.

Mr. BUNNING. Mr. Speaker, I thank the gentleman from Ohio for yielding.

I also would like to strongly support Senate bill 2316, which will ensure that the funds collected over the years by the U.S. Enrichment Corporation for the cleanup of spent uranium canisters in Paducah, Kentucky will be used for their intended purpose.

This bill will not only save American taxpayers millions of dollars in possible future cleanup, but more importantly, it protects hundreds of jobs in my State.

By passing this bill today, the House will set in motion a plan that will one day lead to the construction and operation of a new uranium cleanup facility in Paducah, Kentucky and Portsmouth, Ohio that will treat and recycle depleted uranium hexafluoride. This will clearly make our community safer from this environmental hazard.

I am glad to see that the House is taking quick action on this matter, because without our effort the nearly $400 million in cleanup money that has been set aside by the USEC could be lost.

I would like to thank the majority leader; the gentleman from Virginia (Mr. BLILEY); the gentleman from Ohio (Mr. KASICH); the gentleman from Michigan (Mr. DINGELL); and all of those that had something to do with bringing this bill to the floor in this expedited manner.

Mr. STRICKLAND. Mr. Speaker, further reserving my right to object, although I do not intend to object, I would like to take an opportunity to thank my colleagues, the gentleman from Kentucky (Mr. WHITFIELD), the gentleman from Kentucky (Mr. BUNNING), and the gentleman from Kentucky (Mr. BAESLER) for working with me to make this unanimous consent possible.

What this will accomplish is very important. It means that money that was collected for the cleanup will be used for its intended purpose. Jobs will be created in the Piketon, Ohio and the Paducah, Kentucky communities, jobs that are desperately needed by those who may lose their jobs as a result of the privatization of this industry. These are men and women who have helped our country win the Cold War and we need to look out after their well-being.

This bill will also make it possible for our constituents in Piketon, Ohio, and Paducah, Kentucky to live in safer, healthier communities, and for that we should all be thankful.

Mr. BAESLER. Mr. Speaker, I rise today in strong support of S. 2316, a bill critical to Kentucky families. While plans for privatization of the United States Enrichment Corporation (USEC) are underway on Wall Street, folks in Kentucky are worried about their future. If the USEC is privatized, hundreds of jobs could be lost between two facilities located in Portsmouth, Ohio and Paducah, Kentucky. Passage of this bill is essential to show these hard working families that privatization can also mean job creation.

Fees have been collected from utility customers of the United States Enrichment Corporation to pay for the cost of cleaning up depleted uranium hexafluoride "tails" or waste. If USEC is privatized, the money that has already been set aside would revert back to the U.S. Department of Treasury. It would be an injustice and simply unfair if the money is not used for its intended purpose of cleaning up the tails—55 percent of which are stored in Paducah. Under this legislation, the money from the fee collection would be used to construct an on-site facility for disposing of the tails and, importantly, this site could re-employ those workers who would be displaced upon privatization. In addition, by creating the facility on site, the risks involved with the transportation of hazardous wastes are eliminated.

Uncertainty and fear have invaded these communities whose jobs and livelihoods are tied to the USEC. Families are worried about their future. Today, in Congress, we have the opportunity to provide some hope for these individuals. Passage of S. 2316 will fence off approximately $400 million to be used to clean up the tails. Between construction, operation, and management of these facilities, hundreds of jobs can be created. This legislation is one small way we can help build a bridge to provide continued employment in the community. It is an opportunity to show these families we care about their future.

Mr. STRICKLAND. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2316

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. UNITED STATES ENRICHMENT CORPORATION.

(a) PLAN.—The Secretary of Energy shall prepare, and the President shall include in the budget request for fiscal year 2000, a plan and proposed legislation to ensure that all amounts accrued on the books of the United States Enrichment Corporation for the disposition of depleted uranium hexafluoride will be used to commence construction of, not later than January 31, 2004, and to operate, an onsite facility at each of the gaseous diffusion plants at Paducah, Kentucky, and Portsmouth, Ohio, to treat and recycle depleted uranium hexafluoride consistent with the National Environmental Policy Act.

(b) LIMITATION.—Notwithstanding the privatization of the United States Enrichment Corporation and notwithstanding any other provision of law (including the repeal of chapters 22 through 26 of the Atomic Energy Act of 1954 (42 U.S.C. 2297 et seq.) made by section 3116(a)(1) of the United States Enrichment Corporation Privatization Act (104 Stat. 1321–349), no amounts described in subsection (a) shall be withdrawn from the United States Enrichment Corporation Fund established by section 1308 of the Atomic Energy Act of 1954 (42 U.S.C. 2297b–7) or the Working Capital Account established under section 1316 of the Atomic Energy Act of 1954 (42 U.S.C. 2297b–15) until the date that is 1 year after the date on which the President submits to Congress the budget request for fiscal year 2000.

(c) SENSE OF THE SENATE.—It is the sense of the Senate that Congress should authorize appropriations during fiscal year 2000 in an amount sufficient to fully fund the plan described in subsection (a).

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WHITFIELD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to insert extraneous material on S. 2316, the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

MODIFICATION TO ORDER OF THE HOUSE OF FRIDAY, JULY 17, 1998 REGARDING FURTHER CONSIDERATION OF H.R. 2183, BIPARTISAN CAMPAIGN INTEGRITY ACT OF 1997

Mr. THOMAS. Mr. Speaker, I ask unanimous consent to correct an amendment that was included in the unanimous consent for the campaign reform procedure on the Shays-Meehan bill. That request is that Amendment No. 2 by the gentleman from Michigan (Mr. SMITH) was duplicated and repeated as Amendment No. 34, when, in fact, the content of Amendment No. 34 is different than was accepted in the unanimous consent, and I would like to correct it with the amendment which is, in fact, the substance of Amendment No. 34.

The SPEAKER pro tempore. The Clerk will report the modification to the amendment.

The Clerk read as follows:

Modification of Amendment No. 34 offered by Mr. SMITH of Michigan: Add at the end of title V the following new section (and conform the table of contents accordingly):

SEC. 510. REPORTS ON FEDERAL POLITICAL ADVERTISEMENTS CARRIED BY RADIO STATIONS, TELEVISION STATIONS, AND CABLE SYSTEMS.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended by sections 101, 401, and 507, is further amended by adding at the end the following section:

"REPORTS ON FEDERAL POLITICAL ADVERTISEMENTS CARRIED BY RADIO STATIONS, TELEVISION STATIONS, AND CABLE SYSTEMS.

"SEC. 326. (a) IN GENERAL.—In such manner as the Commission shall prescribe by regulation, prior to the dissemination of any Federal political advertisement, each operator of a radio broadcasting station, television broadcasting station, or cable system shall report to the Commission the true identify of each advertiser and the cost, duration, and other appropriate information with respect to the advertisement.

"(b) FEDERAL POLITICAL ADVERTISEMENT DEFINED.—In this section, a 'Federal political advertisement' includes any advertisement advocating the passage or defeat of Federal legislation, any advertisement advocating the election or defeat of a candidate for Federal office, and any advertisement characterizing the positions taken by such a candidate.".

Mr. THOMAS (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. SHAYS. Mr. Speaker, reserving the right to object, I once again thank the gentleman from California (Mr. THOMAS) for his efforts to try to expedite the process to enable the majority leader's word to be honored and that we complete campaign finance reform, and to acknowledge that the gentleman from Michigan (Mr. SMITH) had requested three amendments, and one of them was, in fact, duplicated and therefore we needed to make that correction, so I thank the gentleman.

Mr. THOMAS. Mr. Speaker, will the gentleman yield?

Mr. SHAYS. I yield to the gentleman from California.

Mr. THOMAS. Mr. Speaker, I am sorry to say that from an administrative point of view we are double-checking another amendment and there may be a need to offer another unanimous consent. This particular amendment is in the first batch. We hope that we will have an accurate list, and everyone will be informed, if, in fact, it is not accurate, and we will supply the correct text. Since all of them believe they were included, it was simply an administrative error in the compilation of the list, and I thank the gentleman for yielding.

Mr. SHAYS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The amendment will be reported, as modified.

REPORT ON H.R. 4276, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

Mr. DELAY, from the Committee on Appropriations, submitted a privileged report (Rept. No. 105–636) on the bill (H.R. 4276) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1999, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. All points of order are reserved on the bill.

BIPARTISAN CAMPAIGN INTEGRITY ACT OF 1997

The SPEAKER pro tempore (Mr. HULSHOF). Pursuant to House Resolution 442 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2183.

□ 1828

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2183) to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes, with Mr. MILLER of Florida (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole House rose on Tuesday, July 14, 1998, pending was Amendment No. 11 by the gentleman from Mississippi (Mr. PICKERING) to Amendment No. 13 by the gentleman from Connecticut (Mr. SHAYS).

Pursuant to the order of the House of Friday, July 17, 1998, no further amendment to the Amendment No. 13 by the

gentleman from Connecticut (Mr. SHAYS) shall be in order, except those 55 amendments placed at the desk pursuant to that order.

Those amendments shall be considered in the order listed, may be offered only by the Member designated, or his designee, shall be considered read, shall be debatable for the time specified, equally divided and controlled by a proponent and an opponent, and shall not be subject to a demand for division of the question.

Pursuant to that order, the gentleman from Mississippi (Mr. PICKERING), and a Member opposed, each will control 5 minutes on the pending amendment.

The Chair recognizes the gentleman from Mississippi (Mr. PICKERING).

□ 1830

PARLIAMENTARY INQUIRY

Mr. SHAYS. Mr. Chairman, I have a parliamentary inquiry, for the sake of this debate.

The CHAIRMAN pro tempore (Mr. MILLER of Florida). Will the gentleman from Mississippi (Mr. PICKERING) yield for the purpose of a parliamentary inquiry?

Mr. PICKERING. Yes, I yield to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, just to clarify how we are allocating time, are we under the requirement of 10 minutes? And does someone need to claim time if not in opposition, at least claim the time?

The CHAIRMAN pro tempore. Time is controlled 5 minutes on each side. The gentleman from Mississippi (Mr. PICKERING) controls 5 minutes and an opponent.

Mr. SHAYS. Mr. Chairman, I claim that 5 minutes.

The CHAIRMAN pro tempore. The gentleman from Connecticut (Mr. SHAYS) will be recognized for 5 minutes.

MODIFICATION TO AMENDMENT NO. 11 OFFERED BY MR. PICKERING TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 13 OFFERED BY MR. SHAYS

Mr. PICKERING. Mr. Chairman, I ask unanimous consent that my amendment be modified with the additional language at the desk. This language was printed under the unanimous-consent agreement in Friday's CONGRESSIONAL RECORD.

The CHAIRMAN. The Clerk will report the modification to the amendment offered by the gentleman from Mississippi (Mr. PICKERING).

The Clerk read as follows:

Modification to amendment No. 11 offered by Mr. PICKERING to the amendment in the nature of a substitute No. 13 offered by Mr. SHAYS: The amendment is modified as follows:

In section 319(b) of the Federal Election Campaign Act of 1971, as proposed to be inserted by the amendment—

(1) strike "was aware of a high probability" and insert "should have known"; and

(2) strike the period at the end and insert the following: ", except that the trier of fact may not find that the defendant should have known that the contribution originated from a foreign national solely because of the name of the contributor.".

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The CHAIRMAN pro tempore. The amendment is modified.

The Chair recognizes the gentleman from Mississippi (Mr. PICKERING) for 5 minutes.

Mr. PICKERING. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to complete the debate that we started the other night on the amendment now before the House which will take away and close the loophole that will allow those who take contributions from foreign sources the legal defense of willful blindness.

We used this illustration to show probably the best picture describing in a thousand words what can only be seen in this picture, and that is the expression and the term "willful blindness," the "Don't Ask, Don't Tell" policy of foreign campaign contribution.

What we want to do is stop the flow of illegal foreign contributions into our election process, to stop the money changing in our temple and to stop the money changing in our election and campaign process from foreign sources.

I appreciate the support from both sides of the aisle on this amendment because I do think we can close the loophole and stop many of the practices that we saw in the last presidential and campaign cycle, examples like the fund-raising in the Buddhist Temple, Charlie Trie bringing envelopes of cash and suspicious money orders to the DNC, Johnny Chung funneling cash provided by the Chinese military officer to the DNC.

Because, Mr. Chairman, what is at stake is our national security. As we have seen the proliferation and the nuclear proliferation issues in Asia and China and Iran and Pakistan and India, we want to make sure that these contributions or these types of contributions do not influence decisions and policies in this administration or any others to come. We want to clean the temple, we want to clean the process, and we want to have integrity in our election process.

I accept, and I gladly accept, the cooperation from both sides of the aisle on this amendment. I look forward to the acceptance in a few minutes.

Mr. Chairman, I reserve the balance of my time.

Mr. SHAYS. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I would point out that we are again debating campaign finance reform and our effort to restore integrity to the political system, and the bill that is before us would ban soft money, the unlimited sums that individuals, corporations and labor unions and other interest groups give to the political parties that then get rerouted right back down to candidates.

We require that the sham issue ads be noted as campaign ads and legitimate campaign ads and that it come under campaign law.

We codify Beck, which gives individuals, not a member of a union, the right not to pay an agency fee for political activity, and we improve the FEC disclosure and enforcement.

In addition, we ban districtwide frank mailing 6 months to an election. Finally, we require that foreign money and fund-raising on government property be illegal.

The amendment before us offered by the gentleman from Mississippi (Mr. PICKERING) is a good faith attempt to make sure that the intention of this bill is carried out, and we concur with it. We concur with the language that he has chosen to use, which is instead of "a high probability," that contribution originated from a foreign national, we would strike out that and say the individual "should have known." We concur with that.

Mr. Chairman, I think this is a good amendment and should be adopted.

Mr. Chairman, I reserve the balance of my time.

Mr. PICKERING. Mr. Chairman, I yield 2 minutes time to the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Chairman, I rise again in support of the Pickering amendment. Last week I rose to support this amendment and I understand that some of my comments at the time caused some concern in some quarters. Of course, I had the Clinton scandals in mind when I first spoke in favor of this amendment.

Evidence shows that the Clinton-Gore reelection effort and the Democrat National Committee purposely sought foreign money in an effort to bypass our election laws. As far back as 1992, the Clinton-Gore campaign was raising money from foreign sources. It was in this context that I made my remarks last week.

In no way was it my intention to suggest impropriety on the part of anyone other than those persons working for the Clinton-Gore campaign and the Democrat National Committee, and involved in the solicitation of illegal foreign donations.

Let me take this opportunity to once again offer my sincere apologies to anyone whom I may have inadvertently offended. I would like to note, however, that it was the height of hypocrisy for the DNC to attack me for reading the names of those who funneled illegal money into the DNC and the Clinton-Gore campaign. After all, the DNC was the ones who broke the law and they have never offered anything other than arrogant, evasive justifications.

There have been seven people charged by the Justice Department for laundering illegal campaign funds from foreign sources to the DNC, and the DNC has returned millions in illegal contributions since the 1996 elections.

Mr. Chairman, at some point during the debate on campaign finance reform I am going to offer a sense of the Congress amendment that an independent counsel should be appointed to investigate the abuses by the Democrat National Committee. I hope the Members will support my amendment. In the meantime, I support the amendment offered by the gentleman from Mississippi (Mr. PICKERING) and urge its adoption.

Mr. SHAYS. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. MEEHAN).

Mr. MEEHAN. Mr. Chairman, let me just say to the gentleman from Mississippi (Mr. PICKERING), we enjoyed working with the language. I think to take "high probability" and insert "known or should have known" certainly makes a lot more sense in terms of coming up with a section of the law that would be enforceable, whether it is civilly or criminally.

I do wish, however, that as we work through these amendments, and many of the amendments are being proposed to the Shays-Meehan legislation by people who I suspect ultimately will actually oppose campaign finance reform, I would like to encourage those Members who are able to work out agreement on amendments to actively consider supporting the Shays-Meehan legislation.

This is an amendment we have agreed to. I think it is a good amendment. Most of us think it is a good amendment. But if we really want this amendment to become part of law, what we really need Members to do is to support the Shays-Meehan legislation, which is a bipartisan piece of legislation. It has support on both sides of the aisle.

It would make soft money illegal. It would also crack down and require disclosure on sham issue ads. It would give the FEC the teeth that they need to enforce the laws that are already on the books. I think many of us on both sides of the aisle have witnessed over the last year or two all kinds of areas where we need to make improvements in our campaign finance laws. The best way to make those improvements is by supporting the Shays-Meehan legislation.

I believe that we are at a point in time that we are on the verge of having a majority of the Members of this House who support that legislation. So, I look forward to working with both sides of the aisle on amendments, amendments that we can come to an agreement on. But I would hope that the authors of these amendments, many of whom I suspect have no intentions of supporting the Shays-Meehan legislation, will consider changing their view ultimately on our bill and having a strong bipartisan vote in favor of Shays-Meehan at the end of this legislation.

Mr. PICKERING. Mr. Chairman, parliamentary inquiry. How much time do I have remaining?

The CHAIRMAN pro tempore (Mr. MILLER of Florida). The gentleman from Mississippi (Mr. PICKERING) has 1 minute and the gentleman from Connecticut (Mr. SHAYS) has 1½ minutes remaining.

Mr. PICKERING. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. MCINTOSH).

Mr. MCINTOSH. Mr. Chairman, I applaud the gentleman from Mississippi (Mr. PICKERING) for bringing this amendment to the floor and wholeheartedly support it. What it says is that a political party official, if he should have known that a contribution originated from a foreign source, he or she cannot use the willful blindness as a defense. That seems to have happened at least once and we think many times in the various investigations in campaign irregularities that we have been doing in the Committee on Government Reform and Oversight.

According to one Associated Press report, a memo exists that proves that President Clinton was personally aware that hundreds of thousands of dollars were being funneled into his campaign from Indonesia as early as 1992 and yet they claim innocence, ignoring the fact that that knowledge was there.

This amendment would clarify the law that one cannot say, as that knowledge comes to them, willfully ignore it and continue to accept those donations. I think it is time that we put that into the law and show and learn from these scandals that ignorance is not going to be a defense for violating the law.

I applaud the gentleman from Mississippi for bringing forward this amendment and urge my colleagues to vote for it.

Mr. SHAYS. Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. FAZIO).

The CHAIRMAN pro tempore. The gentleman from California (Mr. FAZIO) is recognized for 1½ minutes.

Mr. FAZIO of California. Mr. Chairman, I think the bipartisan agreement on this amendment, which has been made between both sides, is an important step toward improving an already excellent bill. I only wish that many of the people on the majority side of this aisle had taken upon themselves the responsibility to promote the enactment of the Shays-Meehan bill, because it fundamentally improves campaign finance reform and law, and we need to pass it.

Many of those who have been advocating this amendment, of course, see it as a poison pill and do not intend to support the underlying law that it amends. But I think it is also important to point out that there has been no evidence at this point in any of the proceedings that have been held in this city that this administration in any sense knowingly and willfully participated in the receipt of funds from foreign sources.

In fact, I think if you look closely at the record, you will find that the DNC has gone a long way to exhaustively investigate those who have donated to it and has implemented a series of new vetting procedures for donors and guests so that none of these kinds of mistakes could be made again in the future. Those are already in place.

If we really look at the Republican Party's conduct in this same area, we will find just as much opportunity to improve procedures and to improve their party's approach to the receipt of funds that were ultimately determined to have come from foreign sources.

There are no elements of this debate that are free from the need to support fundamental reform like Shays-Meehan.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment, as modified, offered by the gentleman from Mississippi (Mr. PICKERING) to the amendment in the nature of a substitute offered by Mr. SHAYS.

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. PICKERING. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 442, further proceedings on the amendment offered by the gentleman from Mississippi will be postponed.

It is now in order to consider the amendment by the gentleman from Michigan (Mr. SMITH).

AMENDMENT OFFERED BY MR. SMITH OF MICHIGAN TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 13 OFFERED BY MR. SHAYS

Mr. SMITH of Michigan. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SMITH of Michigan to the amendment in the nature of a substitute No. 13 offered by Mr. SHAYS: Add at the end the following new title:

TITLE —PENALTY FOR VIOLATION OF FOREIGN CONTRIBUTION BAN

SEC. — 01. PENALTY FOR VIOLATION OF PROHIBITION AGAINST FOREIGN CONTRIBUTIONS.

(a) IN GENERAL.—Section 319 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection:

"(b) Any person who violates subsection (a) shall be sentenced to a term of imprisonment which may not be less than 5 years or more than 20 years, fined in an amount not to exceed $1,000,000, or both.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to violations occurring on or after the date of the enactment of this Act.

The CHAIRMAN pro tempore. Pursuant to the order of the House of Friday, July 17, 1998, the gentleman from Michigan (Mr. SMITH) and a Member opposed each will control 5 minutes.

MODIFICATION TO AMENDMENT OFFERED BY MR. SMITH OF MICHIGAN TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 13 OFFERED BY MR. SHAYS

Mr. SMITH of Michigan. Mr. Chairman, I have a modification at the desk. It is in writing and I ask unanimous consent that it be agreed to.

The CHAIRMAN pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Amendment, as modified, offered by Mr. SMITH of Michigan to the amendment in the nature of a substitute No. 13 offered by Mr. SHAYS: Add at the end of title V the following new section (and conform the table of contents accordingly):

SEC. 510. PENALTY FOR VIOLATION OF PROHIBITION AGAINST FOREIGN CONTRIBUTIONS.

(a) IN GENERAL.—Section 319 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection:

"(b)(1) Except as provided in paragraph (2), notwithstanding any other provision of this title any person who violates subsection (a) shall be sentenced to a term of imprisonment which may not be more than 10 years, fined in an amount not to exceed $1,000,000, or both.

"(2) Paragraph (1) shall not apply with respect to any violation of subsection (a) arising from a contribution or donation made by an individual who is lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Nationality Act).".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to violations occurring on or after the date of the enactment of this Act.

Mr. SMITH of Michigan (during the reading). Mr. Chairman, I ask unanimous consent that the modification be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN pro tempore. Is there objection to the initial request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN pro tempore. The amendment is modified.

The gentleman from Michigan (Mr. SMITH) is recognized for 5 minutes.

□ 1845

Mr. SMITH of Michigan. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the 1996 elections were marked by many questionable financial tactics in fund-raising for political purposes, but I think the one that must concern us is the vast amounts of illegal donations by foreign contributors. The American people learned of the antics of those such as John Huang, Charlie Trie, and Johnny Chung, all of whom helped funnel illegal foreign funds into the American political process in 1996. So far, Trie, Chung and five others have been indicted for their roles.

Current law prohibits foreign nationals from donating to candidates for Federal office, yet it is clear that the penalties are not adequate to deter violations of this nature. This is, I think, made even more difficult by the location of the wrongdoers: outside of American soil. This means that penalties for this particular type of violation must be strengthened, and that is what my amendment does. It increases the maximum penalty from $25,000 to $1 million, and it increases the maximum jail time up to 10 years, at the discretion of the judge.

Indeed, this is one of the recommendations of the Senate Committee on Governmental Affairs report: that we increase the allowable penalties. Under my amendment, those who violate the prohibitions against contributions from foreign nationals will be subject, again, to a jail sentence of up to 10 years and/or a fine not to exceed $1 million. I think this common sense measure will serve to deter foreign nationals from illegally donating to American elections, and those who would knowingly assist them.

Mr. Chairman, we cannot honestly say we have begun to fix the problems with our campaign finance system until we have made some effort to stifle the problem of illegal foreign donations, and I urge my colleagues to put the House on record as being as repulsed and outraged by the scandal of foreigners seeking to influence the American political system as I am, and I hope we would all vote for this amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore (Mr. MILLER of Florida.) Is there a Member in opposition to the amendment?

The gentleman from California (Mr. FARR) is in opposition to the amendment and claims the time in opposition?

Mr. FARR of California. Yes, Mr. Chairman. I move to strike the last word.

The CHAIRMAN pro tempore. There is 5 minutes in opposition to the amendment. Is there someone who claims the 5 minutes?

Mr. FARR of California. I will accept the 5 minutes.

Mr. SHAYS. Mr. Chairman, will the gentleman yield?

Mr. FARR of California. I yield to the gentleman from Connecticut.

Mr. SHAYS. We do not need to be in opposition to claim the time, if no one is in opposition. So is the gentleman claiming time in opposition or just claiming the 5 minutes?

Mr. FARR of California. I am claiming the 5 minutes.

The CHAIRMAN. The 5 minutes is reserved for opposition.

Mr. FARR of California. Then I will claim the time in opposition.

Mr. Chairman, I yield myself such time as I may consume.

I rise because I want to speak with some concern about the implementation of this amendment, and I would like the author to just answer a couple of questions here.

It says in the amendment, "Any person who violates the subsection shall be sentenced for a term of imprisonment," and with the gentleman's amendment the term of imprisonment is not more than 10 years and a fine in an amount not to exceed $1 million.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. FARR of California. I yield to the gentleman from Michigan.

Mr. SMITH of Michigan. It is an option. And/or, or both, yes.

Mr. FARR of California. I understand that. The point that I would like clarified is that it goes to a foreign national. What is the gentleman's definition of a foreign national? There is a lot of confusion as to what is a foreign national.

Mr. SMITH of Michigan. If the gentleman will continue to yield, the definition would be exactly the same as under current law. We have made an exception for the amendment that was passed last week for resident aliens or green card holders.

Mr. FARR of California. But those are not foreign nationals. So a foreign national would be a person who is coming to this country but does not have a green card? For example, a tourist could be a foreign national?

Mr. SMITH of Michigan. That is correct.

Mr. FARR of California. And I am just curious as to why this penalty is a more severe penalty than if an individual was caught as an illegal alien. If a person crosses the border with no papers, they are not entitled to be in this country, they are not a tourist and they come to this country and they are caught, even if they were doing this kind of activity, being involved in a campaign, which I cannot imagine that, but if they were, the penalty here is more severe. Why is that?

Mr. SMITH of Michigan. The penalty is not more severe. The option is more extensive. So in the eyes of the court, if they decide that the violation is egregious enough, they have an option of a greater penalty than under existing law.

Existing law has a maximum penalty of $25,000 and a maximum jail sentence of not to exceed 1 year in jail. So we give the court greater latitude of increasing that to not more than.

Mr. FARR of California. Could the gentleman, for clarification, explain to me what type of person and contribution would trigger violation of this law?

Mr. SMITH of Michigan. Well, certainly if we look at the activities of Charlie Trie or John Huang or Johnny Chung, these individuals that now have been indicted for illegal contributions under existing law. Again, we do not change any of the definition in existing law, who falls under this act and who might be subject to these violations.

Mr. FARR of California. If a person came here, under the debate we are having on the floor now, under H–1B waivers, which are essentially the way we try to import high-tech people, professional engineers, scientists who are not American citizens to work with high-technology companies in America, if one of those while here in this country contributed, would they be in violation of the gentleman's amendment?

Mr. SMITH of Michigan. They would be in violation of existing law, is my understanding. But if they have a green card, I have exempted these types of individuals from the more extensive parameters of the law under my amendment.

But if the gentleman would look to existing law, it is my understanding that these individuals now, not green card holders, but under the amendment we passed last week, we extended it to green card holders, and under that provision I have exempted that type of individual from the greater penalties.

Mr. FARR of California. Has anyone under existing law been convicted?

Mr. SMITH of Michigan. They have been indicted under existing law. I am not familiar whether they have been convicted or not. There was a guilty plea this afternoon, I understand.

Mr. FARR of California. Never before in the history of this country has there been a violation of this law until the election of 1996?

Mr. SMITH of Michigan. I am sorry, could the gentleman say that again?

Mr. FARR of California. In the history of election reform law, going back to the mid-1970s, there has been nobody convicted in violation of this law?

Mr. SMITH of Michigan. I am not familiar. I do not know the answer to that.

Mr. FARR of California. That is existing law. And then the gentleman is making existing law much tougher; is that correct?

Mr. SMITH of Michigan. I would suggest I am not making existing law more tougher, but if the court decides, for lack of a better word, that the violation is egregious enough or the amount of the contribution or the potential for influence is egregious enough, that court would now have an option that is greater than under existing law.

So existing law limits the sentencing term to 1 year and/or not more than $25,000, and as the gentleman understands, this amendment simply increases that option but has no minimum obligation.

Mr. FARR of California. But as I understand it, this goes to the key of the gentleman's amendment.

The CHAIRMAN pro tempore. The time of the gentleman from California (Mr. FARR) has expired.

The gentleman from Michigan (Mr. SMITH) has time remaining.

Mr. FARR of California. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Michigan. I yield to the gentleman from California.

Mr. FARR of California. As I read it, under existing law the penalties, in the gentleman's opinion, are very weak; nobody yet has been convicted. The gentleman stiffens the penalties and broadens the scope. And my comment on that, and I think that is correct, my comment is I think the gentleman is opening up a real Pandora's box because I do not know how people can go about being involved in an election process.

Mr. SMITH of Michigan. Reclaiming my time, I would say so far Trie, Chung and six others have been indicted for their roles of violating this part of our law.

Just today, Howard Glicken, a fundraiser and friend of the Vice President, pleaded guilty to soliciting $20,000 in foreign contributions.

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Michigan. I yield to the gentleman from California.

Mr. CAMPBELL. Mr. Chairman, I thank my colleague from Michigan for yielding just to say one quick thing. The sentencing guidelines still apply. And as I understand the gentleman's intention, he does not repeal, alter or adjust in any way the sentencing guidelines.

So the Federal judge's discretion will be as full as it was before. The upper level is permissibly higher, but the criteria applied by the sentencing judge will be the same because those are set by the sentencing guidelines.

I offer that as a way of assuaging some of the concerns of my colleague from California.

Mr. DELAY. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Michigan. I yield to the gentleman from Texas.

Mr. DELAY. Just very quickly, I appreciate the gentleman from Michigan bringing this amendment. Normally I would have a little heartburn over this amendment, but I have to say that since we seem to be moving towards Shays-Meehan, with more regulations, more laws, and more ways to break the law rather than opening up the process, as we suggested in the Doolittle substitute, if we are going to do this, then we ought to do it with very strong, tough penalties.

The gentleman from Michigan has brought an amendment that imposes some very, very tough penalties for egregious violations of the law. I just appreciate the gentleman for bringing this amendment and I support the gentleman's amendment and ask our colleagues to support him.

Mr. SMITH of Michigan. Mr. Chairman, I thank the gentleman from Texas.

Mr. FARR of California. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Michigan. I yield to the gentleman from California.

Mr. FARR of California. Mr. Chairman, I thank the gentleman for yielding. The point made by the gentleman from California (Mr. CAMPBELL), under the gentleman's law, I think it does not give the discretion the gentleman talks about, because this bill says "Any person who violates it shall be sentenced to a term."

Mr. SMITH of Michigan. Reclaiming my time, my language is optional.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Michigan (Mr. SMITH), as modified, to the amendment in the nature of a substitute offered by the gentleman from Connecticut (Mr. SHAYS).

The amendment, as modified, to the amendment in the nature of a substitute was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider the amendment by the gentleman from Texas (Mr. DELAY).

AMENDMENT OFFERED BY MR. DELAY TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 13 OFFERED BY MR. SHAYS

Mr. DELAY. Mr. Chairman, I offer Amendment No. 3 to the amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DELAY to the Amendment in the Nature of a Substitute No. 13 offered by Mr. SHAYS: Add at the end the following new title:

TITLE ____—SENSE OF CONGRESS REGARDING FUNDRAISING ON FEDERAL PROPERTY

SEC. ____01. SENSE OF CONGRESS REGARDING APPLICABILITY OF CONTROLLING LEGAL AUTHORITY TO FUNDRAISING ON FEDERAL PROPERTY.

(a) FINDINGS.—Congress finds the following:

(1) On March 2, 1997, the Washington Post reported that Vice President Gore "played the central role in soliciting millions of dollars in campaign money for the Democratic Party during the 1996 election" and that he was known as the administration's "solicitor-in-chief".

(2) The next day, Vice President Gore held a nationally televised press conference in which he admitted making numerous calls from the White House in which he solicited campaign contributions.

(3) The Vice President said that there was "no controlling legal authority" regarding the use of government telephones and properties for the use of campaign fundraising.

(4) Documents that the White House released reveal that Vice President Gore made 86 fundraising calls from his White House office, and these new records reveal that Vice President Gore made 20 of these calls at taxpayer expense.

(5) Section 641 of title 18, United States Code, (prohibiting the conversion of government property to personal use) clearly prohibits the use of government property to raise campaign funds.

(6) On its face, the conduct to which Vice President Gore admitted appears to be a clear violation of section 607 of title 18, United States Code, which makes it unlawful for "any person to solicit . . . any (campaign) contribution . . . in any room or building occupied in the discharge of official (government) duties".

(b) SENSE OF CONGRESS.—It is the sense of Congress that Federal law clearly demonstrates that "controlling legal authority" prohibits the use of Federal property to raise campaign funds.

The CHAIRMAN. Pursuant to the order of the House of Friday, July 17, 1998, the gentleman from Texas (Mr. DELAY) will control 5 minutes, and the gentleman from Maine (Mr. ALLEN) will control 5 minutes in opposition.

The Chair recognizes the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Chairman, I yield myself such time as I may consume.

I offer this amendment in order to clarify some comments made by the Vice President last year.

For Richard Nixon it was, "I am not a crook." For Bill Clinton it was, "I didn't inhale." For AL GORE it was, "No controlling legal authority." Sometimes our leaders say things they wish they would not have said. I am guilty of such at times. The Vice President's comments, though, regarding the various campaign abuses of the Clinton-Gore campaign, will be forever etched in the memory of the American people.

This amendment is very simple. It says that when it comes to our campaign laws, there is a controlling legal authority. It is called "the law".

□ 1900

At least 3 criminal statutes address the use of the White House for political purposes. Section 600 of Title 18 prohibits the promising of any government benefit in return for any kind of political support or activity.

Section 607 of Title 18 prohibits solicitation or receipt of contributions for Federal campaigns in Federal buildings.

Section 641 of Title 18 prohibits the conversion of government property to personal use.

According to the White House and the author of this so-called reform bill, these laws do not apply to Mr. GORE because he was raising campaign funds for the Democratic National Party and not the Clinton-Gore Re-election Campaign.

Well, that argument has no controlling logic. None other than Abner Mikva, the President's own legal counsel, issued a legal admonition that said, "campaign activities of any kind are prohibited in or from government buildings," he wrote. "This means fund-raising events may not be held in the White House; also no fund-raising phone calls or mail may emanate from the White House," he continued.

He did not contend that the White House or Members of Congress can raise soft money on government properties.

But even if that is true, the facts are that GORE also raised hard money from the White House. The Associated Press reported that around the time that the Vice President was making fund-raising calls from the White House last year, GORE was advised that the Democrat media fund for which he was soliciting was spending hard money.

Mr. Chairman, the law, the controlling legal authority on this matter, prohibits the use of Federal property to raise campaign funds, period. But that did not stop the White House from holding the infamous White House coffees.

During January of 1995, President Clinton also authorized a plan under which the Democratic National Committee would hold fund-raising coffees and sleepovers in the White House. During 1995 and 1996, the White House held 103 of these coffees. 103.

To quote the New York Times, "the documents released by the White House themselves make explicit that the coffees were fund-raising vehicles." They also make clear that the Democratic National Committee was virtually being run out of the Clinton White House despite the President's initial efforts after the election to draw a distinction between his own campaign organization and the committee.

These reports make it obvious that the coffees, which President Clinton directly authorized, were nothing but fund-raising events.

According to the New York Times, the Democratic National Committee raised $27 million from 350 people who attended White House coffees.

What about the Lincoln Bedroom sleepovers? Is that not Federal property? President Clinton also entertained 938 overnight guests in the White House during his first term.

This, too, became a means of fundraising. When the original plan to hold coffees was suggested to the President, he not only approved it but also originated the idea of the overnight visits.

On the memo suggesting the plan, he wrote, "Ready to start overnights right away. Get other names at 100,000 or more, 50,000 or more."

The New York Times reports that these guests donated over $10 million to a Democratic Party from 1992 to 1996.

The controlling legal authority, known as the law, prohibits the use of Federal Government property from raising campaign funds. The American people do not buy the argument that there is no controlling legal authority.

So, Mr. Chairman, there is a controlling legal authority, no matter what Mr. GORE believes. It is called the law. And the Vice President has the responsibility to follow that law no matter how old or inconvenient it may be.

Mr. Chairman, I reserve the balance of my time.

Mr. ALLEN. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, this body makes laws. We do not generally try to interpret them. And when we do interpret them, we do not do very well in a number of cases. And this proposed amendment is one case where we are not doing very well, in my opinion.

Now, I recognize that this is a sense of Congress, that is, this amendment if attached to the Shays-Meehan substitute would not be binding law. This is a sense of Congress. We are not really here making campaign finance reform law. We are trying to embarrass the Vice President. That is what we are trying to do here today, at least those on the other side are.

Now, I know that the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Massachusetts (Mr. MEEHAN) are willing to accept this amendment. It is kind of hard to explain the other side of it. And I understand that. There are many people on this side of the aisle who will vote for it, and they will vote for it because it ought to be the law and it ought to be clearly the law that they do not do fund-raising on Federal property.

But the fact is that the law is not that clear. We are talking about the Pendleton Act. That is what controls fund-raising from Federal property. And not once in the history of this Republic has someone been prosecuted for fund-raising from Federal property.

There is case law out there which suggests that the point of solicitation is not on the Federal property if you are making a telephone call but it is where the call is received. The fact is the law is not clear. But it ought to be clear, and that is why it is important that we pass campaign reform in this session.

That is why it is important, despite the objections on the other side, that we go further than the Pendleton Act, that we have a soft-money ban, that we deal with issue advocacy, and that we tighten up these campaign abuses that have occurred not just on one side, not just with Democrats, but with both sides and with Republicans as well as Democrats.

That is what we need to do here. We need real campaign finance reform. And those who have been pushing this particular amendment have not been supporters of real campaign finance reform.

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield?

Mr. ALLEN. I yield to the gentleman from California.

Mr. CAMPBELL. Mr. Chairman, I want to put the gentleman from Maine (Mr. ALLEN) on notice that I am opposed to his view.

On the distinction of the gentleman as to the origin of the phone call, if the phone call is for private purpose or political purpose, it would then violate the laws against embezzlement, which is to use Federal property for personal purpose.

So as to the phone call not being on government property, they would run smack into the embezzlement law even if they got outside the Pendleton Act.

Mr. ALLEN. Mr. Chairman, reclaiming my time, the fact is that we are governed by the Pendleton Act and the Pendleton Act is not clear.

Mr. SHAYS. Mr. Chairman, will the gentleman yield?

Mr. ALLEN. I yield to the gentleman from Connecticut.

Mr. SHAYS. Mr. Chairman, I just would say that I am very comfortable accepting this amendment. It is a sense of Congress. And I think it is very clear, and I agree with the comments of the gentleman, we need to clarify the law.

The bottom line is that if we ban soft money, it is rare that we are going to have a President and Vice President, a Speaker, whomever, seek to raise money on government property for a $5,000 PAC contribution. So I think we get at the problem by substantive change in the law. So I just make that point to my colleagues.

But I do think the sense of Congress is correct that even if the Vice President did not think it was illegal, I think it was clear that he knew it was wrong and it should not have taken place.

Mr. ALLEN. Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. FAZIO) who is a strong advocate of campaign finance reform.

Mr. FAZIO of California. Mr. Chairman, as we have already adopted the Cox amendment that clarifies the law, this amendment is entirely superfluous and offered only for political purposes. And it strikes me as highly hypocritical for any Member of this body who has been engaged in raising soft or hard money in the system we currently have in place to stand before his colleagues and a national audience and criticize the Vice President because he did something that has clearly under the law never been prosecuted.

The Pendleton Act, over 100 years old now, has never ever been used to prosecute anyone for the solicitation of funds from an office. I think we now have a clear understanding of what is appropriate. But we could find the names of at least 3 sitting Republican Senators who have admitted raising funds in their offices on the telephone.

This is not a partisan issue. We are moving in the direction of reform. And for the gentleman from Texas (Mr. DELAY) to bring this amendment now is simply to try to imply that there is only one party or perhaps one individual that must alter behavior. We all must do that.

This administration, including the Vice President, has been out front in advocating campaign finance reform, the Shays-Meehan bill the centerpiece of that effort.

I would urge all those Members who wish, in retrospect, to imply that they are above any kind of campaign misdeed to get behind reform and put their name down on the list of those who are willing to embrace change and not use this simply as an opportunity for political bashing.

Mr. DELAY. Mr. Chairman, I yield 15 seconds to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL. Mr. Chairman, I thank my colleague for yielding.

What is wrong is clear. What is wrong is to use Federal Government property for personal advantage. And to say that it does not violate the Pendleton Act or that no one has been prosecuted under the Pendleton Act ignores the fundamental truth that there are clear statutes barring the use of Federal Government property for personal purposes and there have been many prosecutions under that statute. What happened violated that law.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Texas (Mr. DELAY) to the amendment in the nature of a substitute offered by the gentleman from Connecticut (Mr. SHAYS).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. DELAY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 442, further proceedings on the amendment offered by the gentleman from Texas (Mr. DELAY) to the amendment in the nature of a substitute offered by the gentleman from Connecticut (Mr. SHAYS) will be postponed.

It is now in order to consider the amendment offered by the gentleman from Colorado (Mr. MCINNIS).

AMENDMENT OFFERED BY MR. MCINNIS TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 13 OFFERED BY MR. SHAYS

Mr. MCINNIS. Mr. Chairman, as the designee of the gentleman from California (Mr. COX), I offer amendment No. 56 to the amendment in the nature of a substiute.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MCINNIS to the amendment in the nature of a substitute No. 13 offered by Mr. SHAYS:

Add at the end the following new title:

TITLE ____—PROHIBITING SOLICITATION TO OBTAIN ACCESS TO CERTAIN GOVERNMENT PROPERTY

SEC. ____01. PROHIBITION AGAINST ACCEPTANCE OR SOLICITATION TO OBTAIN ACCESS TO CERTAIN GOVERNMENT PROPERTY.

(a) IN GENERAL.—Chapter 11 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 226. Acceptance or solicitation to obtain access to certain government property

"Whoever solicits or receives anything of value in consideration of providing a person with access to Air Force One, Marine One, Air Force Two, Marine Two, the White House, or the Vice President's residence; shall be fined under this title, or imprisoned not more than one year, or both.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 11 of title 18, United States Code, is amended by adding at the end the following new item:

"236. Acceptance or soliciting to obtain access to certain government property.".

The CHAIRMAN. Pursuant to the order of the House on Friday July 17, 1998, the gentleman from Colorado (Mr. MCINNIS) and a Member opposed each will control 5 minutes.

Mr. SHAYS. Mr. Chairman, I ask unanimous consent that I may claim the time in opposition.

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. MCINNIS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, what has spurred my interest in this was an article in the Washington Post on tax day, on Tuesday, April 15, the day all of the citizens in this country have to pay their taxes. Let me read this article, or at least summarize a couple of paragraphs:

In the two years before President Clinton's 1996 re-election, 56 campaign fund-raisers and big-money donors hopped rides with him aboard Air Force One. Between January 1, 1995, and November 6 of last year, 477 people traveled as guests aboard the presidential jet, Air Force One, according to a review of Air Force's One manifest compiled by the White House. But Clinton aides decline to release the complete list and instead provided names only of those who contributed more than $5,000 to the Democratic National Committee or who raised $25,000 for the Democratic National Committee or the Clinton-Gore Re-election Committee. Many of these people have no history with the President, and their presence on Air Force One could add to suspicions that the plane was used as a vehicle to court and pay thanks to big donors.

Air Force One is not a Clinton charter airlines. It is not to be used by the

President to court the big donors across this country. That jet does not belong to the President of the United States. That jet belongs to the people of the United States. And it should be used in its official capacity.

My amendment, Mr. Chairman, really is quite simple. My amendment simply says, and let me read the amendment, "whoever solicits." "Whoever." So it could be the Democratic National Committee. It does not need to be the President or the Vice President who is doing this. It can be the Democratic National Committee.

Whoever solicits or receives anything in value in consideration for inviting a person with access to Air Force One, Marine One, Air Force Two, Marine Two, the White House, or the Vice President's residence shall be fined under this title and imprisoned for not more than a year or both.

We could talk for the next hour about the Lincoln Bedroom. We could talk for the next hour in much more detail about the abuse, in my opinion, of Air Force One, Air Force 2, Marine One. And of course, Mr. Chairman we do not know the extent of the abuse because the Clinton administration will not release the manifest in total so that we can assess that.

At any rate, I cannot imagine anybody on this floor voting against this amendment. I am going to ask for a rollcall because I want to see somebody stand up and justify that we should go ahead and sell Air Force One to the big donors in this country. I am going to test them.

Mr. Chairman, I reserve the balance of my time.

□ 1915

Mr. SHAYS. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. FARR), my Peace Corps friend.

Mr. FARR of California. Mr. Chairman, I have a question of the author. Why did he exempt the legislative branch from this? The only branch that uses the aircraft he is intending is the executive branch. Why is the legislature exempt? When people are on CODELs or on missions with corporate members or interested American citizens who may be suggesting that if you come with me we perhaps can play a golf game somewhere. That is something of value. Your amendment says receives anything of value. It does not define it. It could be a baseball cap. It could be anything. And then it exempts Congress. It exempts the legislative branch. Why does he not include the legislative branch in here if it is as strong as he thinks it should be?

Mr. MCINNIS. Mr. Chairman, will the gentleman yield?

Mr. FARR of California. I yield to the gentleman from Colorado.

Mr. MCINNIS. Obviously we do not exempt Congress. Congress may not be included here, but the gentleman has every right.

Mr. FARR of California. Why not include Congress?

Mr. MCINNIS. If the gentleman wants to handle the two-way conversation strictly on his side that is one point, but let me respond to the question that he has asked.

Mr. Chairman, the gentleman is not prevented in any way whatsoever from offering his own amendment to put the congressional or the legislative body in there, number one. Number two, I have never ridden on Air Force One as he knows. I do not know many Republicans that have.

Mr. FARR of California. Reclaiming my time, I think this amendment, it says receives anything of value, and it only applies to the executive department. We are here talking about congressional campaign finance reform, applying to this House of Congress. These amendments, and I might support this amendment, but I think it is diverting the attention, it is trying to say that the problem is all in the executive branch and that there are no problems here in Congress and that we do not need to spend time debating it.

I think this amendment is exactly what is going on here. People want to not pay any attention as to what the problems are in this Congress. If the gentleman was sincere about trying to stop solicitations using Federal property including aircraft, it would apply to the legislative branch as well.

Mr. MCINNIS. Mr. Chairman, I yield myself such time as I may consume.

The gentleman makes a nice speech, and I dare him to vote "no" on this thing. I do not think he will because I know he thinks it is right. It is the right thing to do. Number two, I would recommend that the gentleman read the rules. Under congressional rule we are not allowed, I cannot call one of my big donors and say some, "Come on, we're going to go on a congressional CODEL." That is against the rules. That is already in place.

Number three to his point, this does not only apply to the executive branch as he has just stated in his comments. Let me read it for you.

Whoever, whether it is the Democratic National Committee, whether it is AL GORE, whether it is the chairman of the Democratic National Committee, whether it is a State chairman of the Democratic Party, whoever solicits or receives anything of value in consideration of providing a person with access to Air Force One, et cetera, et cetera, et cetera. The legislative branch is covered. It is in our rules.

If he will take a look at any of the CODELs he has been on, my bet is he has never been on a CODEL where he has had a big donor to his race or anybody's race on that airplane, with the exception maybe one Member contributing to another Member, he has never been on a plane under those kind of circumstances.

He is going to vote for this. Who would not? It makes sense. The article appeared on Tax Day. That is what is ironic about this. I read the article on Tuesday, April 15.

Mr. Chairman, I reserve the balance of my time.

Mr. SHAYS. Mr. Chairman, I yield myself 2 minutes.

Of course people are going to vote for this amendment. But the sad thing is the gentleman who is offering this amendment is not going to vote for the bill. We are faced with 55 amendments, most of them intended to embarrass or imply that a problem just exists on one side when the bottom line is we know we have problems on both sides of the aisle and we have got to deal with them.

I would just rise again to say what I have said before, I really believe that some on the other side of the aisle need to be willing to do a little more investigating but a lot on my side of the aisle need to do more about reforming the system.

We do ban soft money. Once we ban the unlimited sums from individuals, corporations, labor unions and other interest groups, once we ban that, we take away a gigantic incentive to call someone from any government property or to reward someone with any government activity, plane, boat, house, you name it. A $5,000 PAC contribution is not something that most people would probably seek a reward for or take the time of important people. But when one is seeking to raise soft money, $100,000, $200,000, $300,000, a half a million, a million or more, it does become somewhat of a distraction.

The Meehan-Shays substitute bans soft money. It recognizes those sham issue ads as what they are, campaign ads, and then they come under the campaign laws. People have a voice but under the campaign law. We codify back. We have FEC disclosure enforcement. We ban the franking 6 months to an election. And we make it clear in our legislation that you cannot raise foreign money and you cannot raise money on government property. We already make that clear.

This legislation reinforces it and seeks to suggest it happens on one side of the aisle, and I am sure my colleague believes that most does. But the bottom line is that we have got to keep together a unity between Republicans and Democrats who want campaign finance reform and not get baited into getting in arguments over which side does it and which side does not.

I agree with the gentleman from California (Mr. FAZIO), campaign finance reform is important. The focus that I have and I hope others have is on a bipartisan basis to eliminate many of the abuses we see.

Mr. FAZIO of California. Mr. Chairman, will the gentleman yield?

Mr. SHAYS. I yield to the gentleman from California.

Mr. FAZIO of California. Mr. Chairman, I want to thank the gentleman from Connecticut for putting this all in context, and, that is, that we are all here trying to come up with improvements in the existing system. We know that abuses, if that is what we want to call them, occur on both sides of the aisle and have done so historically.

As we are talking about the alleged misuse of Air Force One, I noted that in the newspaper today, the story was congressional use of corporate aircraft, in this case the tobacco industry. If we want to focus on the problems of Congress, and I think that is what we are here to do, we ought to really begin to look internally and look at our own approach to political activity. I think there are probably a number of other amendments that could be concocted and offered on this bill if we simply wanted to change the subject. I do not want to change the subject. I want to pass Shays-Meehan. I want people on both sides of the aisle to focus on what can be done to improve this system without offering extraneous, politically-inspired amendments that change the subject.

Mr. MCINNIS. Mr. Chairman, I yield myself the balance of my time.

Of course the gentleman from California, I find it a little ironic. He is criticizing the Republicans on tobacco money. Between 1987 and 1997 he took $75,800 from tobacco companies.

The second thing I want to point out, the gentleman from Connecticut (Mr. SHAYS) is very clear in saying that I am not going to vote for his bill. The gentleman from Connecticut is not going to vote for my bill. The bill I am on is the Doolittle bill. I think that is the bill that is going to bring us campaign reform. But he is not going to vote for it. He is going to oppose it.

I do not think he should stand up here and say that I am not voting for his bill and make it look like I am against reform. His bill is like wildflower mixed with a bunch of thistle in it. It is not a good bill. Mine is.

The CHAIRMAN pro tempore (Mr. MILLER of Florida). The question is on the amendment offered by the gentleman from Colorado (Mr. MCINNIS) to the amendment in the nature of a substitute offered by the gentleman from Connecticut (Mr. SHAYS).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. MCINNIS. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to House Resolution 442, further proceedings on the amendment offered by the gentleman from Colorado (Mr. MCINNIS) to the amendment in the nature of a substitute offered by the gentleman from Connecticut (Mr. SHAYS) will be postponed.

The point of no quorum is considered withdrawn.

It is now in order to consider the amendment offered by the gentleman from New York (Mr. PAXON).

AMENDMENT OFFERED BY MR. PAXON TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 13 OFFERED BY MR. SHAYS

Mr. PAXON. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The CHAIRMAN pro tempore (Mr. HEFLEY). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. PAXON to the amendment in the nature of a substitute No. 13 offered by Mr. SHAYS:

Add at the end the following new title:

TITLE ____—UNION DISCLOSURE

SEC. ____01. UNION DISCLOSURE.

(a) IN GENERAL.—Section 201(b) of the Labor Management Reporting and Disclosure Act of 1959 (29 U.S.C. 431(b)) is amended—

(1) by striking "and" at the end of paragraph (5); and

(2) by adding at the end the following:

"(7) an itemization of amounts spent by the labor organization for—

"(A) contract negotiation and administration:

"(B) organizing activities;

"(C) strike activities;

"(D) political activities;

"(E) lobbying and promotional activities; and

"(F) market recovery and job targeting programs; and

"(8) all transactions involving a single source or payee for each of the activities described in subparagraphs (A) through (F) of paragraph (7) in which the aggregate cost exceeds $10,000.".

(b) COMPUTER NETWORK ACCESS.—Section 201(c) of the Labor Management Reporting and Disclosure Act of 1959 (29 U.S.C. 431(c)) is amended by inserting "including availability of such reports via a public Internet site or another publicly accessible computer network" after "its members.".

(c) REPORTING BY SECRETARY.—Section 205(a) of the Labor Management Reporting and Disclosure Act of 1959 (29 U.S.C. 435(a)) is amended by inserting after "and the Secretary" the following: "shall make the reports and documents filed pursuant to section 201(b) available via a public Internet site or another public accessible computer network. The Secretary".

The CHAIRMAN pro tempore. Pursuant to the order of the House of Friday, July 17, 1998, the gentleman from New York (Mr. PAXON) and a Member opposed each will control 5 minutes.

Mr. MEEHAN. Mr. Chairman, I ask unanimous consent to control the 5 minutes as an opponent.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from New York (Mr. PAXON).

Mr. PAXON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, disclosure is the key to real reform. We have put forth many amendments to do precisely that. Mine this evening focuses on the largest player in American politics, the organized labor bosses. Together in the last cycle they controlled over $300 million spent on American politics according to Rutgers University. According to a former top official of the Teamsters Union, in fact, that number was over $400 million. Yet much of the information regarding their expenditure, where it comes from and how it is expended, goes undisclosed.

Currently the Department of Labor requires some limited reporting but it is spotty, it is disorganized, no two unions in fact report the same information in the same way. It is done purposefully, it is done so that the American voter and taxpayer and citizen cannot know how much they are spending.

My amendment does three things simply. First, it amends the LM–2 form submitted by the unions currently with the Department of Labor. Two, it requires functional accounting for uniform categories of spending for the previous year which is not now required. And, number three, of course, it requires the posting on the Internet of all this information.

Mr. Chairman, this is logical. We have a player spending hundreds of millions of dollars. Put it on the Internet. Let the American people see what is being spent, how it is being raised. That is all we are asking. It is called disclosure. How can anybody oppose full disclosure?

As a matter of fact, this Congress has already helped. We appropriated last year half a million dollars to the Department of Labor to set up such a database. This Congress wants to have that information to the American people, and I am certain whether it is union members or the American people, they would love to have it. This amendment just simply allows us to get that information out there.

In conclusion, Mr. Chairman, let us let the light of day shine on the American political system. Let us put this information out there once and for all. It is an amendment we should all be able to agree on and move forward with.

Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. MILLER).

Mr. MILLER of Florida. Mr. Chairman, by the time we are done debating campaign finance, it will probably be the longest debate the House has seen in a long time. Throughout this debate, one particular theme has resounded again and again, disclosure. We take it as self-evident that the American people should be able to know who is spending money to impact elections and to whom they are giving it. For if we have full disclosure, then the voters can take that knowledge with them into the voting box.

However, up to this point the issue of disclosure has focused primarily on campaign spending by special interest groups or corporations. No one has yet tried to stand up and help those workers that provide a substantial amount of their monthly income to the unions that represent them.

That is why I support this amendment. Union members have very limited means to find out how their dues are spent. They just have to hope it is being spent wisely. This amendment would remedy that requirement of unions and require them in an annual disclosure form that they already complete to specify how they spend money on different activities. As dues-paying members, union workers have a right to know how much money their union spent on such functions as contract negotiations or strike activities. This disclosure would empower both those workers currently in unions and those that are considering joining unions.

Let me clear up one misconception. This amendment would not impact those smaller unions. It would only affect those unions with annual receipts over $200,000.

In the 1996 election cycle, unions used over $35 million to run issue ads in congressional districts against Republicans; $35 million. This despite the fact that over 25 percent of union members are Republicans.

How can we give these members and the American people a voice? One answer is disclosure. The American people and even more importantly union members themselves have a right to know how much money the unions are spending on different activities. That is what this amendment will do, allow people as well as union members who are directly impacted by the spending to see how unions are allocating their money and how much they are spending on these political activities. This is good policy and should be a fundamental part of any campaign finance reform. I ask my colleagues to support this amendment.

□ 1930

Mr. MEEHAN. Mr. Chairman, I would point out to the gentleman from Florida, there is not a better way to get disclosure than to vote for the Shays-Meehan bill, which provides disclosure on issue advocacy.

Mr. Chairman, I yield 1½ minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, I rise in opposition the Paxon amendment. The Paxon amendment is an assault. It is an assault on the rights of working men and women in this country. It says that working men and women will be disenfranchised.

Let me just say this, that union members, in fact, know where and how their money is being spent. They make the decisions as to what is being done. This would require only labor unions to report on political activities, not the big money interests, the special interests, not the multimillion dollar corporations, only labor unions. The fact of the matter is, is that corporations outspent labor unions 11 to 1 in the 1996 election.

If we take a look at today's Washington Post, we will also find out that there was the tobacco industry that provided more subsidized travel than any other industry to the Republican Party. They made their corporate jets available to Republican lawmakers and GOP committees for dozens of flights in the past year.

We want to be equitable in this effort. As my colleague from Massachusetts pointed out, Shays-Meehan, in fact, does deal with disclosure. This is an amendment that discourages American workers from participating in the national political process. It is an effort to cut them off. It silences their voices, leaving decent pay, a safe workplace, secure retirements vulnerable to their opponents. It is the American families who will suffer with the result of this amendment.

Shays-Meehan does not pose such a threat. It protects the voices of America's working men and women. Vote against the Paxon amendment and support Shays-Meehan.

Mr. MEEHAN. Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. FAZIO).

Mr. FAZIO of California. Mr. Chairman, I am strongly opposed to this amendment because it does not treat all those who use Treasury funds of any kind equally and equitably under the law. This particular amendment is targeted at the Republican Party's bugaboo, always said to be big labor.

But, in fact, what it really does is try to impose a burdensome and inefficient and difficult system of accounting on one of the many players in the political system in this country, one that, by the way, was outspent by business and corporations 11 to 1 in the last election cycle in 1996.

Shays-Meehan goes after all of the various parts of the political equation in campaign finance reform equitably and evenhandedly. It bans soft money. It goes after those who misuse issue advocacy for political purposes, intrusive purposes in a political campaign. But it does so in ways that make corporations and unions live under the same law.

There are other improvements in this bill that frankly will be somewhat opposed by people in the labor movement because, for example, internal communications are going to be required to be disclosed in a more timely way. But it also imposes the same requirements on corporate internal communications.

So what we have in the bill that we have been debating is an evenhanded and fair-minded approach. This amendment is an effort to take a shot at a political opponent, and it is offered by one who does not oppose reform in the first place.

Mr. MEEHAN. Mr. Chairman, may I inquire of the Chair how much time is remaining on each side?

The CHAIRMAN pro tempore (Mr. HEFLEY). The gentleman from Massachusetts (Mr. MEEHAN) has 1¾ minutes remaining. The gentleman from New York (Mr. PAXON) has 45 seconds remaining.

Mr. MEEHAN. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL. Mr. Chairman, I thank my colleague for yielding to me. I would support the content of my friend from New York's amendment if it was applied to the National Labor Relations Act. But, it is way beyond campaign finance reform. For example, it requires disclosure that I happen to support—how much of a union's money goes to a strike versus how much goes to organizing. I would like to see that part of the law. I would like to see the laborers of this country know where their dues are spent. But it is not campaign finance reform. And, by putting it into this bill, it breaks the coalition that is essential for Shays-Meehan to become the law of this country. I strongly oppose this amendment for that reason. We must be about our business today. Our business is campaign finance reform.

Mr. MEEHAN. Mr. Chairman, I yield the remainder of my time to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, under Meehan-Shays, we require disclosure by both unions and corporations. Current law requires only a very narrow disclosure by unions and corporations of money spent on internal or in-kind activities.

Under current law, unions do not have to disclose money spent on voter registration drives or get-out-the-vote drives aimed at their members, nor do corporations. Under our bill, they would.

Under current law, unions and corporations do not have to disclose money spent on setting up or administering their PACs. Under our bill, they would.

Under current law, unions and corporations do not have to disclose money spent on a communication to their members urging the election or defeat of a candidate. So, for instance, if a union has a two-page ad urging a vote for a candidate in a 16-page newsletter, it would not have to be disclosed. Under our bill, any communication to members for the purpose of influencing an election would have to be disclosed.

Our bill significantly expands the disclosure requirements on unions and corporations by their internal activities. Further, disclosure under current law is on a quarterly basis; under our

bill, it is on a monthly basis, and within 24 hours in the last 20 days of the election on the Internet.

Mr. PAXON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in conclusion, I appreciate the gentleman from California agreeing with the intent of this measure, to try to bring about full disclosure in the American political system. We think this is the right place. We are debating campaign finance reform. $300 million to $400 million spent by the union bosses taken involuntarily from the members' pockets, should that not be part of the disclosure? Of course it should be. Should it not be presented on the Internet so the American people can determine how it is spent? Of course it should be should.

This is the amendment that goes to the heart of campaign finance reform. Anybody who believes in reform has to support this motion. I urge my colleagues to support it. We are going to have a chance to do that in a recorded vote.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York (Mr. PAXON) to the amendment in the nature of a substitute offered by the gentleman from Connecticut (Mr. SHAYS).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. PAXON. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 442, further proceedings on the amendment offered by the gentleman from New York (Mr. PAXON) to the amendment in the nature of a substitute offered by the gentleman from Connecticut (Mr. SHAYS) will be postponed.

The CHAIRMAN pro tempore (Mr. MILLER). It is now in order to consider the amendment by the gentleman from Colorado (Mr. HEFLEY).

Mr. HEFLEY. Mr. Chairman, first of all, I have two amendments at the desk. Amendment No. 33, I am going to give the gentleman from Connecticut (Mr. SHAYS) and this body a present by withdrawing that amendment, because I believe the amendment by the gentleman from Colorado (Mr. MCINNIS) covered that, so I will withdraw number 33.

AMENDMENT OFFERED BY MR. HEFLEY TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 13 OFFERED BY MR. SHAYS

Mr. HEFLEY. Mr. Chairman, I offer Amendment No. 34 to the amendment in the nature of a substitute.

The CHAIRMAN pro tempore. The Clerk will designate the amendment to the amendment in the nature of a substitute.

The text of the amendment to the amendment in the nature of a substitute is as follows:

Amendment offered by Mr. HEFLEY to the amendment in the nature of a substitute No. 13 offered by Mr. SHAYS:

Add at the end the following new title:

TITLE—PROHIBITING USE OF AIR FORCE ONE FOR POLITICAL FUNDRAISING

SEC. 01. PROHIBITING USE OF AIR FORCE ONE FOR POLITICAL FUNDRAISING.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following new section:

"PROHIBITING USE OF AIR FORCE ONE FOR POLITICAL FUNDRAISING

"SEC. 323. (a) In General.—It shall be unlawful for any persons to provide or offer to provide transportation on Air Force One in exchange for any money or other thing of value in support of any political party or the campaign for electoral office of any candidate, without regard to whether or not the money or thing of value involved is otherwise treated as a contribution under this title.

"(b) AIR FORCE ONE DEFINED.—In subsection (a), the term 'Air Force One' means the airplane operated by the Air Force which has been specially configured to carry out the mission of transporting the President."

The CHAIRMAN pro tempore. Pursuant to the order of the House of Friday, July 17, 1998, the gentleman from Colorado (Mr. HEFLEY) and a Member opposed each will control 5 minutes.

Mr. SHAYS. Mr. Chairman, I ask unanimous consent to claim the 5 minutes in opposition.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Connecticut (Mr. SHAYS) will be recognized for 5 minutes.

The Chair recognizes the gentleman from Colorado (Mr. HEFLEY).

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment, again, I think, is about common sense. It reads: If the President, Vice President, or the head of any executive department uses Air Force One for transportation for any travel which includes a fund-raising event for the benefit of any political committee or party, such political committee shall reimburse the Federal Government for the actual costs incurred as a result of the use of Air Force One.

In plain English, this simply means that if you are going to use Air Force One and part of that is for political purposes, then you pay the cost of it. It is estimated that the cost is about $36,000 an hour to operate Air Force One.

This amendment will apply to whomever holds the office. So we have had a lot of partisan back and forth here this afternoon or this evening, but this amendment applies to whomever holds the office regardless of party affiliation. However, the current administration's blatant abuse of this practice compared to past White House occupants gives the Congress strong reason to accept this amendment.

Currently, the amount that is reimbursed to the taxpayers for use of Air Force One is based on a secret formula created by the Clinton Administration and the Democratic National Committee. The formula supposedly calculates what percentage of the trip is for political purposes and what percentage is for official purposes.

This amendment stipulates that any excursion that includes any fund-raising activity must be reimbursed for the entire trip. No formula. No ambiguity. If the President wants to fly to Ohio to pitch his child care initiative, that is fine. He can use Air Force One to do that. But if while he is there he wants to drop by, as he did recently, to raise $850 thousand in one evening for the DNC, then under this amendment, the DNC would have to reimburse the taxpayers.

This is not a partisan amendment. But I will conclude with some of the figures that signify the amendment is particularly relevant under this administration. Under Presidents Reagan and Bush, reimbursement payments were made a total of 60 times in a 12-year period. Under the Clinton administration, prior to the 1996 election, 145 such payments were made in only 4 years.

I urge adoption of the amendment and reserve the balance of my time.

Mr. SHAYS. Mr. Chairman, I am delighted to yield 2 minutes to the gentleman from California (Mr. FAZIO).

Mr. FAZIO of California. Mr. Chairman, I appreciate the gentleman yielding to me.

Mr. Chairman, I want to ask the author of the amendment if he would explain to me what is different from existing laws. As I understand it, we have always required that every President, going back as far as I can remember, reimburse part of the cost of any trip that involves any kind of political activity while he is on an official trip.

What the gentleman seems to be saying is that any political activity automatically makes the entire trip a political trip, even if there is a great deal of official duty and activity taking place.

Would the gentleman give me some sort of an answer?

Mr. HEFLEY. Mr. Chairman, if the gentleman will yield, that is correct. The gentleman understands it exactly.

Mr. FAZIO of California. Reclaiming my time, then, what the gentleman is saying is that the approach that has been the time-honored bipartisan approach which has given both Republican and Democratic, Presidents the opportunity and flexibility to include various kinds of activities in their schedule when they travel around the country, would no longer be allowed.

I am sure that the Secret Service and others who worry about the security of the President would have serious concerns. What this amendment really

would purport to do, I believe, is to eliminate the President's ability to be involved in, at any affordable sense, any kind of political activity around the country.

I would assert that maybe in the current environment where the White House is held by a Democrat this would be a very attractive amendment to people on the Republican side of this aisle. But I think people ought to be thinking of the long-term implications of what we are doing here.

I realize that those who do not support Shays-Meehan are simply trying to roll hand grenades here on to the floor to complicate the passage of real campaign finance reform. But in this instance, among others, what we are really doing is something that I think your own party leaders, if the Republicans were to retake the White House, would find totally unworkable and impossible to live with. What I hope my colleagues will do is think long-term and put aside the momentary political advantage.

Mr. SHAYS. Mr. Chairman, I am happy to yield 1½ minutes to my colleague, the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Chairman, I thank the gentleman from Connecticut (Mr. SHAYS) for yielding.

Mr. Chairman, I have a question. The language in here says that it includes any fund-raising event for the benefit of any political committee of a national political party. If the President was to fly to the gentleman's district to do a campaign event for him, this would not apply because his campaign is not a national political committee?

Mr. HEFLEY. Mr. Chairman, if the gentleman will yield, I cannot tell him for sure about that.

Mr. FARR of California. Well, that is exactly what it says.

Mr. HEFLEY. I am not arguing with the gentleman. I said I cannot tell him for sure whether that is or not. I assume it might be.

Mr. FARR of California. The other question is why does it only apply to Air Force One? Why does it not apply to Members of Congress?

Mr. HEFLEY. I listened to the gentleman's comments about that on a prior bill, and it seemed to me to be kind of foolish questions in that Congress does not control any airplanes. The administration controls airplanes. Congress does not control airlines.

If the gentleman wants to reclaim his time, I will respond later.

Mr. FARR of California. I would like to reclaim my time. Because the gentleman flies home every weekend on the taxpayers' money, he may be home on the taxpayers' money doing a political campaign event. That is his transportation to his district.

□ 1945

So if the President goes to your district and does a political event, he is penalized; the payment for all of that is paid for by your amendment. But if you do it on the taxpayer's dime every weekend, you do not have to pay for it. So you are exempting Congress from this. It is a double standard again. It is again bashing the White House, because this bill is about Congressional campaign finance reform, and I do not know whether the gentleman is even intending to vote for the bill.

I think these are dilatory amendments, I think you are exempting Congress, and I think it is wrong.

Mr. SHAYS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have a feeling that this amendment will pass because Members do not want to vote against an amendment that sounds good, but I am trying to think that some day we may have someone else in the White House, and I would put myself in that position and say I think this is bad law.

I think it is a politically good amendment. I think it is bad law. I think the President should have to reimburse for the first class passage, but I do not think we want to encourage a President to go commercial. Obviously they cannot. I think it will inhibit the ability of the President to get around and speak as a President chooses to speak.

I am sure this is good politics, but I think this does harm to the bill. I am not suggesting that it is a killer amendment, but I wish it was not being introduced, because I think its intention is simply to make the bill less palatable to Members on either side of the aisle.

The bottom line is, a President of the United States should have the ability to travel around the country, and it is regrettable that they have to have so much communication material, it is regrettable they need to fly on a government plane, but the fact is they do. Like my colleague from California points out, we get sent home and we get to do a lot of things back home for political purposes, and our flight back home is paid for.

So I have tremendous respect for the gentleman who is introducing this amendment, but I do regret that he has introduced it.

Mr. HEFLEY. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let me very quickly say in closing in response to the concern of the gentleman from California (Mr. FARR), it is my understanding that we can rent government cars, we can lease government cars as Members of Congress for official business. I did that at one time. I have not done it in years. At one time I did that. It was also my understanding when I did that that I could not go to Salida, Colorado, and hold town meetings in the morning in that government car, and then in the evening hold a fund-raiser for my campaign. I am still in the government car, and I could not reimburse the government for the percentage of time for that government car. I do not know whether that rule has changed or not. But if you cannot do that with a government car, but you can do it with Air Force One, I think the double standard that you keep referring to here is in application today. I think this would help in that double standard.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) to the amendment in the nature of a substitute offered by the gentleman from Connecticut (Mr. SHAYS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HEFLEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 442, further proceedings on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) to the amendment in the nature of a substitute offered by the gentleman from Connecticut (Mr. SHAYS) will be postponed.

The CHAIRMAN pro tempore. It is now in order to consider the amendment offered by the gentlewoman from Kentucky (Mrs. NORTHUP).

AMENDMENT OFFERED BY MRS. NORTHUP TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 13 OFFERED BY MR. SHAYS

Mrs. NORTHUP. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. NORTHUP to the amendment in the nature of a substitute No. 13 offered by Mr. SHAYS:

TITLE—PROHIBITING USE OF WALKING AROUND MONEY

SEC. 01. PROHIBITING CAMPAIGNS FROM PROVIDING CURRENCY TO INDIVIDUALS FOR PURPOSES OF ENCOURAGING TURNOUT ON DATE OF ELECTION.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following new section:

"PROHIBITING USE OF CURRENCY TO PROMOTE ELECTION DAY TURNOUT

"SEC. 323. It shall be unlawful for any political committee to provide currency to any person for purposes of carrying out activities on the date of an election to encourage or assist individuals to appear at the polling place for election.".

The CHAIRMAN pro tempore. Pursuant to the order of the House of Friday, July 17, 1998, the gentlewoman from Kentucky (Mrs. NORTHUP) and a Member opposed each will control 5 minutes.

Is there a Member seeking to control the time in opposition?

Mr. MEEHAN. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Massachusetts (Mr.

MEEHAN) will be recognized for 5 minutes in opposition.

The Chair recognizes the gentlewoman from Kentucky (Mrs. NORTHUP).

Mrs. NORTHUP. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have opposed the Shays-Meehan bill for a couple of reasons. First of all, I believe that it chills free speech, that it has the effect of trying to keep people who want to influence public policy from having their voice heard.

Furthermore, I feel that it has the effect of encouraging people to have their voice heard in elections by contributing to organizations that are, in a sense, "blind organizations," organizations that the public will not know who they are, what they stand for, who contributes, or how much, and that that is a worse campaign finance system than what we have.

I do not believe you can call this reform; I just believe you can call it change. In my opinion, it is a worse change, a change for the worse.

However, if we are going to do anything in changing campaign finance, we ought to close the abuses that exist today, that are widespread and blatantly wrong, and that is the ability to spend cash, what is commonly referred to as "walking-around money," that is used for vote buying. This is done in many different parts of the country, and it is done with the use of cash.

All my amendment would do would be to require that any money used for getting out the vote, that it be done in the form of a check, so that it would be visible and we would know to whom the money was paid.

Obviously we all believe that if somebody is going to drive a van for the day and go down to the local nursing home in order to provide transportation to the polls, that that is a good thing to do and that would be a good expenditure of campaign funds. This is just to make sure that people cannot get the money in unrecorded amounts and to unrecorded people.

It is part of the premise of this bill that we would have visibility, that the voters, that the public, that the people in this country would have visibility about who is spending money on campaigns and how they are spending it. So I would be surprised to find anybody that supports Shays-Meehan opposed to disclosure of this kind.

Mr. Chairman, I reserve the balance of my time.

Mr. MEEHAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I wish that the authors of amendments who get up to say they are against Shays-Meehan would find another vehicle to drag down debate. We have been debating this bill for quite some time now, and the author of the amendment says that she is against it, but here is an amendment anyways.

This could be an amendment that we could all agree upon. I would ask the gentlewoman if somebody is working on a get-out-the-vote effort and wants to buy coffee for people at a polling station, and, let us say, the coffee stand will not accept a check, how does one get around those types of expenditures, small disbursements like that?

The gentlewoman may know that under the FEC law now, there are certain amounts of money, under $200, that are made available. It is required under the FEC that receipts get kept, and clearly they should be kept. But what does one do about that election day activity, with voter apathy and voter turnout going down dramatically, about these type of efforts to get people out to vote? Could the gentlewoman's amendment in some way accommodate these types of efforts?

Mrs. NORTHUP. Mr. Chairman, will the gentleman yield?

Mr. MEEHAN. I yield to the gentlewoman from Kentucky.

Mrs. NORTHUP. Mr. Chairman, I am surprised to hear the gentleman asking that and asking if one could buy donuts. Actually in Kentucky, where we have a more similar bill to Shays-Meehan than anyplace else, you cannot buy donuts.

Mr. MEEHAN. Mr. Chairman, reclaiming my time, I am not asking the gentlewoman whether or not one can buy donuts. I am asking whether or not under the gentlewoman's amendment, would one be able in any way to get cash, if cash was required to go buy a cup of coffee or donuts for poll workers? I am not asking whether one can buy donuts. Let us keep it professional.

Mrs. NORTHUP. Mr. Chairman, if the gentleman will yield further, whoever uses the money has to be given the money in the form of a check, so that if you are going to haul voters, for example, a check would be written to you. You could then not give voters or anybody else cash. Obviously if you wanted to fill up your van with gas, you could turn that in as an expense and the campaign can reimburse you.

This is just to make sure that you cannot have what goes on, like $300 cash to the gentleman from Massachusetts (Mr. MEEHAN), and then the gentleman gives out $50, $25, $10, $5, and it does not have to be recorded. The end receiver of the money is not on record.

Mr. MEEHAN. Mr. Chairman, reclaiming my time, so when a campaign worker goes out and is trying to get people to go to the polls, the campaign or the party would give a check and the person would go, presumably, to a bank to cash the check. What if somebody did not have a bank account? Just so I am clear. We could support the amendment, but if somebody did not have a bank account or checking account, what would they do?

Mrs. NORTHUP. Mr. Chairman, if the gentleman will continue to yield, they would cash it wherever they cashed any other check. If they have a welfare check, they have to cash it somewhere. If they have a paycheck, they have to cash it somewhere. They can get a money order. You can give them a money order. That is legal. All you could not do is give a check to somebody and have them then pay cash around to unrecorded people.

Mr. MEEHAN. Mr. Chairman, reclaiming my time, would the gentlewoman have a de minimis amount of money that would be acceptable for donuts or something like that? Is there some amount there where we could reach an agreement? The amendment sounds like a good idea.

Mrs. NORTHUP. Mr. Chairman, it says specifically here that anything that encourages or assists individuals to appear at the polling place is not forbidden. All you could not do is give somebody cash. In other words, on the campaign form the final receiver of money is written there, because it has to be given to them by money order, check, whatever.

Mr. MEEHAN. Mr. Chairman, reclaiming my time, this sounds like an amendment that we could support. But these amendments, sometimes we need to go through the process to make sure. We have a situation where voter turnout in this country is an embarrassment, and I would not want to see us support any kind of an effort that would try to reduce activity at polling places, getting people to the polls.

Mrs. NORTHUP. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I understand the concern of the gentleman from Massachusetts (Mr. MEEHAN) and I appreciate the gentleman rethinking or willing to reevaluate this. I want to assure the gentleman and the other supporters of the bill that we were very careful to draft this in every way possible so that there would not be any dampening effect on encouraging people to vote; only in making sure that there is not cash out on the street floating around that can be exchanged for votes. That is what we are trying to get to.

We think that the easiest way to try to address that is to make sure that anybody that receives money would have to be paid and recorded on the campaign files.

Mr. FARR of California. Mr. Chairman, will the gentlewoman yield?

Mrs. NORTHUP. I yield to the gentleman from California.

Mr. FARR of California. Mr. Chairman, I like what the gentlewoman just said, but I do not think that is what the language put in here says. It says "provide currency to any person for purposes of carrying out activities on the date of an election to encourage or assist individuals to appear at the polling place for an election."

I think what the gentlewoman said is to give money directly to anybody to

go to a polling place, but this is any activities.

Mrs. NORTHUP. Mr. Chairman, reclaiming my time, it is currency. You cannot provide currency. I think the gentleman is missing that word. It does not say you cannot provide donuts. You cannot provide currency.

Mr. FARR of California. Mr. Chairman, if the gentlewoman will yield further, it says "for carrying out activities on the date of the election." Is not "activities" broader than just going to the polls, driving somebody? I am trying to think of the League of Women Voters issues. We are trying to get people to the polls. Those are activities. All of that is related to the election day.

Mrs. NORTHUP. Mr. Chairman, reclaiming my time, but you can provide a check to somebody that is driving somebody. You can provide a check to somebody to buy donuts. You can give a check to somebody to buy gas. What you cannot do is give somebody $200.

□ 2000

Mr. FARR of California. Mr. Chairman, I agree with that. Why does not the gentlewoman just say that?

Mrs. NORTHUP. Mr. Chairman, it says that. "One cannot provide currency."

Mr. MEEHAN. Mr. Chairman, I yield 30 seconds to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, I reluctantly oppose this amendment, and I am surprised that the gentlewoman from Kentucky who talks about rules and regulations has come up with the biggest rule and regulation. We are basically saying that everything would have to be in a check.

Not everybody in my district has a checking account. Some people drive to the polls, they have money, they take it and they go to the gas station and give money to the gas station attendant.

This has, I think, serious unintended consequences. It probably is going to pass because it has a good name to it, but it really is regulation beyond my comprehension, and I think a bit foolish.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentlewoman from Kentucky (Mrs. NORTHUP) to the amendment in the nature of a substitute offered by the gentleman from Connecticut (Mr. SHAYS).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mrs. NORTHUP. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 442, further proceedings on the amendment offered by the gentlewoman from Kentucky will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to House Resolution 442, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment offered by Mr. WICKER of Mississippi; amendment offered by Mr. STEARNS of Florida; amendment, as modified, offered by Mr. PICKERING of Mississippi; amendment offered by Mr. DELAY of Texas; amendment offered by Mr. MCINNIS of Colorado; amendment offered by Mr. PAXON of New York; amendment offered by Mr. HEFLEY of Colorado; amendment offered by Mrs. NORTHUP of Kentucky.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in a series.

AMENDMENT NO. 59 OFFERED BY MR. WICKER TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 13 OFFERED BY MR. SHAYS

The CHAIRMAN pro tempore. The unfinished business is the demand for a recorded vote on the Amendment No. 59 offered by the gentleman from Mississippi (Mr. WICKER) to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. SHAYS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 59 offered by Mr. WICKER to the amendment in the nature of a substitute No. 13 offered by Mr. SHAYS: Add at the end the following new title:

TITLE—PROHIBITING USE OF WHITE HOUSE MEALS AND ACCOMMODATIONS FOR POLITICAL FUNDRAISING

SEC. 01. PROHIBITING USE OF WHITE HOUSE MEALS AND ACCOMMODATIONS FOR POLITICAL FUNDRAISING

(1) IN GENERAL.—Chapter 29 of title 18 United States Code, is amended by adding at the end the following new section:

"§ 612. Prohibiting use of meals and accommodations at White House for political fundraising.

"(a) It shall be unlawful for any person to provide or offer to provide any meals of accommodations at the White House in exchange for any money or other thing of value, or as a reward for the provision of any money or other thing of value, in support of any political party or the campaign for electoral office of any candidate.

"(b) Any person who violates this section shall be fined under this title or imprisoned not more than three years, or both.

"(c) For purposes of this section, any official residence or retreat of the President (including private residential areas and the grounds of such a residence or retreat) shall be treated as part of the White House.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 29 of title 18, United States Code, is amended by adding at the end the following new item:

"612. Prohibiting use of meals and accommodations at White House or political fundraising.".

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 391, noes 4, not voting 39, as follows:

[Roll No. 301]

AYES—391

Abercrombie	Deal	Hoyer
Aderholt	DeFazio	Hulshof
Allen	DeGette	Hunter
Andrews	Delahunt	Hutchinson
Archer	DeLauro	Hyde
Armey	DeLay	Inglis
Bachus	Deutsch	Istook
Baesler	Diaz-Balart	Jackson (IL)
Baldacci	Dickey	Jackson-Lee (TX)
Ballenger	Dicks	Jenkins
Barcia	Dingell	Johnson (CT)
Barr	Doggett	Johnson (WI)
Barrett (NE)	Dooley	Jones
Barrett (WI)	Doolittle	Kaptur
Bartlett	Doyle	Kasich
Barton	Dreier	Kelly
Bass	Duncan	Kennedy (MA)
Bateman	Dunn	Kennedy (RI)
Becerra	Edwards	Kennelly
Bentsen	Ehlers	Kildee
Bereuter	Emerson	Kilpatrick
Berry	Engel	Kim
Bilbray	English	Kind (WI)
Bishop	Ensign	King (NY)
Bliley	Eshoo	Kingston
Blumenauer	Etheridge	Klink
Blunt	Evans	Klug
Boehlert	Everett	Knollenberg
Boehner	Ewing	Kolbe
Bonilla	Farr	Kucinich
Bonior	Fattah	LaFalce
Bono	Fawell	LaHood
Borski	Fazio	Lampson
Boswell	Filner	Lantos
Boucher	Foley	Largent
Boyd	Forbes	Latham
Brady (PA)	Fossella	LaTourette
Brady (TX)	Fowler	Lazio
Brown (CA)	Fox	Leach
Brown (FL)	Frank (MA)	Lee
Brown (OH)	Franks (NJ)	Levin
Bryant	Frelinghuysen	Lewis (CA)
Bunning	Furse	Lewis (KY)
Burr	Gallegly	Linder
Burton	Ganske	Livingston
Buyer	Gejdenson	LoBiondo
Callahan	Gekas	Lofgren
Calvert	Gibbons	Lowey
Camp	Gilchrest	Lucas
Campbell	Gillmor	Luther
Canady	Gilman	Maloney (CT)
Cannon	Goode	Manton
Capps	Goodlatte	Manzullo
Cardin	Goodling	Markey
Carson	Gordon	Mascara
Castle	Goss	Matsui
Chabot	Graham	McCarthy (MO)
Chambliss	Granger	McCarthy (NY)
Chenoweth	Green	McCollum
Christensen	Greenwood	McCrery
Clay	Gutierrez	McDermott
Clayton	Gutknecht	McGovern
Clement	Hall (OH)	McHale
Clyburn	Hall (TX)	McHugh
Coburn	Hamilton	McInnis
Collins	Hansen	McIntosh
Combest	Harman	McIntyre
Condit	Hastert	McKeon
Conyers	Hastings (WA)	McKinney
Cook	Hayworth	McNulty
Cooksey	Hefley	Meehan
Costello	Herger	Meek (FL)
Cox	Hill	Meeks (NY)
Coyne	Hilleary	Menendez
Cramer	Hinchey	Metcalf
Crane	Hinojosa	Mica
Crapo	Hobson	Miller (CA)
Cubin	Hoekstra	Miller (FL)
Cummings	Holden	Minge
Cunningham	Hooley	Mink
Davis (FL)	Horn	Mollohan
Davis (IL)	Hostettler	Moran (KS)
Davis (VA)	Houghton	

Moran (VA)
Morella
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Nussle
Oberstar
Obey
Olver
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOES—4

Hastings (FL)
Kanjorski
Murtha
Wexler

NOT VOTING—39

Ackerman
Baker
Berman
Bilirakis
Blagojevich
Coble
Danner
Dixon
Ehrlich
Ford
Frost
Gephardt
Gonzalez
Hefner
Hilliard
Jefferson
John
Johnson, E. B.
Johnson, Sam
Kleczka
Lewis (GA)
Lipinski
Maloney (NY)
Martinez
McDade
Millender-McDonald
Moakley
Norwood
Ortiz
Pickering
Poshard
Riggs
Roybal-Allard
Stokes
Thompson
Torres
Towns
Traficant
Yates

□ 2022

Mr. HASTINGS of Florida changed his vote from "aye" to "no."

Mr. JACKSON of Illinois and Mr. BASS changed their vote from "no" to "aye."

So the amendment to the amendment in the nature of a substitute was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, during roll call vote number 301 on the Wicker Amendment I was unavoidably detained. Had I been present, I would have voted yes.

AMENDMENT OFFERED BY MR. STEARNS TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 13 OFFERED BY MR. SHAYS

The CHAIRMAN pro tempore (Mr. BARR of Georgia). The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. STEARNS) to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. SHAYS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. STEARNS to the amendment in the nature of a substitute No. 13 offered by Mr. SHAYS: Amend section 506 to read as follows (and conform the table of contents accordingly):

SEC. 506. BAN ON CAMPAIGN CONTRIBUTIONS BY NONCITIZENS.

Section 319 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e) is amended to read as follows:

"CONTRIBUTIONS AND DONATIONS BY NONCITIZENS

"SEC. 319. (a) PROHIBITION.—It shall be unlawful for—

"(1) a noncitizen, directly or indirectly, to make—

"(A) a donation of money or other thing of value, or to promise expressly or impliedly to make a donation, in connection with a Federal, State, or local election to a political committee or a candidate for Federal office, or

"(B) a contribution or donation to a committee of a political party; or

"(2) a person to solicit, accept, or receive a contribution or donation described in paragraph (1) from a noncitizen.

"(b) TREATMENT OF NATIONALS OF THE UNITED STATES.—For purposes of subsection (a), a 'noncitizen' of the United States does not include a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act).".

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 267, noes 131, not voting 36, as follows:

[Roll No. 302]

AYES—267

Aderholt
Archer
Armey
Bachus
Baesler
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Bliley
Blunt
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Castle
Chabot
Chambliss
Christensen
Clement
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeFazio
DeLauro
Deutsch
Dickey
Dooley
Doyle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Etheridge
Evans
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutknecht
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hinchey
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (WI)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennelly
Kildee
Kim
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Luther
Maloney (CT)
Manzullo
Markey
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Nussle
Obey
Oxley
Packard
Pappas
Parker
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickett
Pitts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Riley
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Royce
Rush
Ryun
Sanders
Sandlin
Sanford
Sawyer
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Strickland
Stump
Stupak
Sununu
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thune
Thurman
Tiahrt
Turner
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)

NOES—131

Abercrombie
Allen
Andrews
Barrett (WI)
Becerra
Bentsen
Berman
Bilbray
Bishop
Blumenauer
Boehlert
Bonior
Borski
Brady (PA)
Brown (CA)
Brown (FL)
Campbell
Cardin
Carson
Chenoweth
Clay
Clayton
Clyburn
Condit
Conyers
Crapo
Cummings
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLay
Diaz-Balart
Dicks
Dingell
Doggett
Doolittle
Edwards
Engel
Ensign
Eshoo
Farr
Fattah
Fazio
Filner
Frank (MA)
Furse
Green
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hinojosa
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Kanjorski
Kennedy (RI)
Kilpatrick
Kind (WI)
King (NY)
LaFalce
Lampson
Lee
Lewis (CA)
Lofgren
Lowey
Manton

Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Miller (CA)
Minge
Mink
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pombo
Porter
Rangel
Reyes
Rivers
Rodriguez
Ros-Lehtinen
Sabo
Salmon
Sanchez
Scott
Serrano
Shays
Skaggs
Smith (MI)
Stark
Stenholm
Talent
Thornberry
Tierney
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Woolsey
Wynn

NOT VOTING—36

Ackerman
Baker
Bilirakis
Blagojevich
Coble
Danner
Dixon
Ehrlich
Ford
Frost
Gephardt
Gonzalez
Hefner
Hilliard
Jefferson
John
Lewis (GA)
Lipinski
Maloney (NY)
Martinez
McDade
Millender-McDonald
Moakley
Norwood
Ortiz
Pickering
Poshard
Riggs
Roybal-Allard
Saxton
Stokes
Thompson
Torres
Towns
Traficant
Yates

□ 2032

Mr. PORTER and Mr. HOUGHTON changed their vote from "aye" to "no."

Mr. SANFORD changed his vote from "no" to "aye."

So the amendment to the amendment in the nature of a substitute was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. PICKERING. Mr. Chairman, on roll calls Nos. 301 and 302, I was unavoidably detained.

Had I been present, I would have voted "yes."

AMENDMENT OFFERED BY MR. PICKERING, AS MODIFIED, TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 13 OFFERED BY MR. SHAYS

The CHAIRMAN pro tempore (Mr. BARR of Georgia). The pending business is the demand for a recorded vote on the amendment, as modified, offered by the gentleman from Mississippi (Mr. PICKERING) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 344, noes 56, not voting 34, as follows:

[Roll No. 303]

AYES—344

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilbray
Bishop
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (OH)
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Dickey
Dicks
Dingell
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Eshoo
Etheridge
Evans
Everett
Ewing
Fattah
Fawell
Filner
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennelly
Kildee
Kim
Kind (WI)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Lantos
Largent
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lowey
Lucas
Luther
Maloney (CT)
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Menendez
Metcalf
Mica
Miller (FL)
Minge
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Nussle
Oberstar
Obey
Olver
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Royce
Rush
Ryun
Salmon
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Turner
Upton
VelaoAElzquez
Vento
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Young (FL)

NOES—56

Becerra
Blunt
Brown (FL)
Buyer
Carson
Clyburn
Conyers
Davis (VA)
Diaz-Balart
Doolittle
Engel
Ensign
Farr
Fazio
Frank (MA)
Gutierrez
Hastings (FL)
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Kanjorski
Kennedy (RI)
Kilpatrick
King (NY)
Kucinich
Latham
LaTourette
Lazio
Lee
Lofgren
McDermott
Meek (FL)
Meeks (NY)
Miller (CA)
Mink
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Paul
Payne
Pombo
Radanovich
Ros-Lehtinen
Sabo
Sanchez
Scott
Skaggs
Stark
Waters
Weldon (FL)
Wexler
Wilson
Wynn
Young (AK)

NOT VOTING—34

Ackerman
Baker
Bilirakis
Blagojevich
Coble
Danner
Dixon
Ehrlich
Ford
Frost
Gephardt
Gonzalez
Hefner
Hilliard
Jefferson
John
Lewis (GA)
Lipinski
Maloney (NY)
Martinez
McDade
Millender-McDonald
Moakley
Norwood
Ortiz
Poshard
Riggs
Roybal-Allard
Stokes
Thompson
Torres
Towns
Traficant
Yates

□ 2041

So the amendment, as modified, to the amendment in the nature of a substitute was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. DELAY TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 13 OFFERED BY MR. SHAYS

The CHAIRMAN pro tempore (Mr. BARR of Georgia). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. DELAY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 360, noes 36, not voting 38, as follows:

[Roll No. 304]

AYES—360

Abercrombie
Aderholt
Andrews
Archer
Armey
Bachus
Baesler
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilbray
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clement
Clyburn
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Fawell
Filner
Foley
Forbes
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jenkins
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Manton
Manzullo
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meeks (NY)
Menendez
Metcalf
Mica
Miller (FL)
Minge
Moran (KS)
Morella
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Nussle
Oberstar
Olver
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Rush
Ryun
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOES—36

Allen
Becerra
Borski
Brady (PA)
Clay
Conyers
Engel
Farr
Fattah
Fazio
Furse
Hastings (FL)
Jackson-Lee (TX)
Kanjorski
Kucinich
Lee
McDermott
Meek (FL)
Miller (CA)
Mink
Mollohan
Moran (VA)
Murtha
Nadler
Obey
Payne
Rahall
Sabo
Scott
Smith, Adam
Stark
Tanner
Waters
Watt (NC)
Waxman
Wexler

NOT VOTING—38

Ackerman
Baker
Bilirakis
Blagojevich
Coble
Danner
Dixon
Ehrlich
Ford
Frost
Gephardt
Gonzalez
Hefner
Hilliard
Jefferson
John
Lewis (GA)
Lipinski
Maloney (NY)
Markey
Martinez
McDade
Meehan
Millender-McDonald
Moakley
Norwood
Ortiz
Poshard
Riggs
Roybal-Allard
Scarborough
Skelton
Stokes
Thompson
Torres
Towns
Traficant
Yates

□ 2048

Mr. MORAN of Virginia changed his vote from "aye" to "no."

So the amendment to the amendment in the nature of a substitute was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. MCINNIS TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 13 OFFERED BY MR. SHAYS

The CHAIRMAN pro tempore (Mr. BARR of Georgia). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. MCINNIS) to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. SHAYS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 391, noes 7, not voting 36, as follows:

[Roll No. 305]

AYES—391

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Doggett
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Manton
Manzullo
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal

Nethercutt
Neumann
Ney
Northup
Nussle
Oberstar
Obey
Olver
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOES—7

Clyburn
Conyers
Farr
Kucinich
Pelosi
Waters
Wexler

NOT VOTING—36

Ackerman
Baker
Bilirakis
Blagojevich
Coble
Danner
Dixon
Ehrlich
Ford
Frost
Gephardt
Gonzalez
Hefner
Hilliard
Jefferson
John
Kennelly
Lewis (GA)
Lipinski
Maloney (NY)
Markey
Martinez
McDade
Millender-McDonald
Moakley
Norwood
Ortiz
Poshard
Riggs
Roybal-Allard
Stokes
Thompson
Torres
Towns
Traficant
Yates

□ 2056

So the amendment to the amendment in the nature of a substitute was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. PAXON TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 13 OFFERED BY MR. SHAYS

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. PAXON) to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. SHAYS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 150, noes 248, not voting 36, as follows:

[Roll No. 306]

AYES—150

Archer
Armey
Ballenger
Barr
Bartlett
Barton
Bateman
Bliley
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Dickey
Doolittle
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fossella
Fowler
Gekas
Gibbons
Gilchrest
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hoekstra
Hostettler
Hulshof
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kasich
Kingston
Klug
Knollenberg
Kolbe
Largent
Latham
Lewis (CA)
Lewis (KY)
Linder
Livingston
Lucas
Manzullo
McCollum
McInnis
McIntosh
McKeon
Mica
Miller (FL)
Myrick
Nethercutt
Northup
Nussle
Oxley
Packard
Parker
Paxon
Peterson (PA)
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Riley
Rogan
Rogers
Rohrabacher
Royce
Ryun
Salmon
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shuster
Skeen
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Watkins
Watts (OK)
Weldon (FL)
Whitfield
Wicker
Wolf
Young (FL)

NOES—248

Abercrombie
Aderholt
Allen
Andrews
Bachus
Baesler
Baldacci
Barcia
Barrett (NE)
Barrett (WI)
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bishop
Blumenauer
Blunt
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Coburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Ehlers
Engel
English
Ensign
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Foley
Forbes
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Furse
Gallegly
Ganske
Gejdenson
Gillmor
Gilman
Gordon
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hinchey
Hinojosa
Hobson
Holden
Hooley
Horn
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
LaFalce
LaHood
Lampson
Lantos
LaTourette
Lazio
Leach
Lee
Levin
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Manton
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHale
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Miller (CA)
Minge
Mink
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Neal
Neumann
Ney
Oberstar
Obey
Olver
Owens
Pallone
Pappas
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Petri
Pickett
Pomeroy
Porter
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roukema
Rush
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schumer
Scott
Serrano
Shays
Sherman
Shimkus
Sisisky
Skaggs
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thurman
Tierney
Turner
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watt (NC)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
White
Wilson
Wise
Woolsey
Wynn
Young (AK)

NOT VOTING—36

Ackerman
Baker
Bilirakis
Blagojevich
Coble
Danner
Dixon
Ehrlich
Ford
Frost
Gephardt
Gonzalez
Hefner
Hilliard
Jefferson
John
Kennelly
Lewis (GA)
Lipinski
Maloney (NY)
Markey
Martinez
McDade
Millender-McDonald
Moakley
Norwood
Ortiz
Poshard
Riggs
Roybal-Allard
Stokes
Thompson
Torres
Towns
Traficant
Yates

□ 2104

Mr. ENGLISH of Pennsylvania changed his vote from "aye" to "no."

So the amendment to the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. MALONEY of New York. Mr. Chairman, on Monday, July 20, I was unavoidably detained and missed rollcall votes 297–306. Had I been present, I would have voted "yes" on rollcall votes 297, 298, 299, 300 and 301, "no" on rollcall vote 302, "yes" on rollcall votes 303, 304, and 305, and "no" on rollcall vote 306.

AMENDMENT OFFERED BY MR. HEFLEY TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 13 OFFERED BY MR. SHAYS

The CHAIRMAN pro tempore (Mr. BARR of Georgia). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) to the amendment in the nature of a substitute offered by the gentleman from Connecticut (Mr. SHAYS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 222, noes 177, not voting 35, as follows:

[Roll No. 307]

AYES—222

Aderholt
Archer
Armey
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Berry
Bilbray
Bishop
Blunt
Boehner
Bono
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Etheridge
Everett
Ewing
Fawell
Foley
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Gejdenson
Gekas
Gibbons
Gilchrest
Goode
Goodlatte
Goodling
Goss
Graham
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hinchey
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Jones
Kaptur
Kasich
Kelly
Kildee
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaHood
Lampson
Largent
LaTourette
Lazio
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
Mascara
McCollum
McCrery
McHugh
McInnis
McIntyre
McKeon
McKinney
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stabenow
Stearns
Stenholm
Strickland
Stump
Sununu
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thune
Thurman
Tiahrt
Turner
Upton
Walsh
Wamp
Watkins
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—177

Abercrombie
Allen
Andrews
Bachus
Baesler
Baldacci
Barcia
Barrett (WI)
Barton
Becerra
Bentsen
Berman
Bliley
Blumenauer
Boehlert
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Castle
Clay
Clayton
Clyburn
Condit
Conyers
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Edwards
Engel
Ensign
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Forbes
Frank (MA)
Furse
Ganske
Gillmor
Gilman
Gordon
Granger
Gutierrez
Hamilton
Harman
Hastings (FL)
Hinojosa
Holden
Hooley
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kilpatrick
Kim
Kind (WI)
King (NY)
Klink
Kucinich
LaFalce
Lantos
Latham
Leach
Lee
Levin
Lewis (CA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntosh
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Miller (CA)
Minge
Mink
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Porter
Portman
Rahall
Rangel
Regula
Reyes
Rivers
Rodriguez
Roemer
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Scott
Serrano
Shays
Sherman
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stark
Stupak
Talent
Tauscher
Thornberry
Tierney
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Wexler
Weygand
Wise
Woolsey
Wynn

NOT VOTING—35

Ackerman
Baker
Bilirakis
Blagojevich
Coble
Danner
Dixon
Ehrlich
Ford
Frost
Gephardt
Gonzalez
Hefner
Hilliard
Jefferson
John
Kennelly
Lewis (GA)
Lipinski
Markey
Martinez
McDade
Millender-McDonald
Moakley
Norwood
Ortiz
Poshard
Riggs
Roybal-Allard
Stokes
Thompson
Torres
Towns
Traficant
Yates

□ 2112

Messrs. ENSIGN, KLINK, and DOYLE changed their vote from "aye" to "no."

So the amendment to the amendment in the nature of a substitute was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MRS. NORTHUP TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 13 OFFERED BY MR. SHAYS

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Kentucky (Mrs. NORTHUP) to the amendment in the nature of a substitute offered by the gentleman from Connecticut (Mr. SHAYS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 284, noes 114, not voting 36, as follows:

[Roll No. 308]

AYES—284

Aderholt
Archer
Armey
Bachus
Baesler
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Bilbray
Bishop
Bliley
Blumenauer
Blunt
Boehner
Bonilla
Bono
Boswell
Boucher
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeFazio
DeGette
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Ensign
Etheridge
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kasich
Kelly
Kildee
Kim
Kind (WI)
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaHood
Lampson

Largent	Pease	Smith (MI)
Latham	Peterson (MN)	Smith (NJ)
LaTourette	Peterson (PA)	Smith (OR)
Lazio	Petri	Smith (TX)
Leach	Pickering	Smith, Adam
Lewis (CA)	Pickett	Smith, Linda
Lewis (KY)	Pitts	Snowbarger
Linder	Pombo	Solomon
Livingston	Pomeroy	Souder
LoBiondo	Porter	Spence
Lucas	Portman	Spratt
Luther	Price (NC)	Stabenow
Maloney (CT)	Pryce (OH)	Stearns
Maloney (NY)	Quinn	Stenholm
Manzullo	Radanovich	Strickland
Mascara	Ramstad	Stump
McCollum	Redmond	Stupak
McCrery	Regula	Sununu
McHugh	Riley	Talent
McInnis	Rodriguez	Tauscher
McIntosh	Roemer	Tauzin
McIntyre	Rogan	Taylor (MS)
McKeon	Rogers	Taylor (NC)
McKinney	Rohrabacher	Thomas
Mica	Ros-Lehtinen	Thornberry
Miller (CA)	Roukema	Thune
Miller (FL)	Royce	Thurman
Minge	Ryun	Tiahrt
Mollohan	Sabo	Turner
Moran (KS)	Salmon	Upton
Moran (VA)	Sanders	Walsh
Morella	Sanford	Wamp
Myrick	Saxton	Watkins
Nethercutt	Scarborough	Watts (OK)
Neumann	Schaefer, Dan	Weldon (FL)
Ney	Schaffer, Bob	Weldon (PA)
Northup	Schumer	Weller
Nussle	Sensenbrenner	Weygand
Obey	Sessions	White
Oxley	Shadegg	Whitfield
Packard	Shaw	Wicker
Pallone	Sherman	Wilson
Pappas	Shimkus	Wise
Parker	Shuster	Wolf
Pascrell	Sisisky	Young (AK)
Paul	Skeen	Young (FL)
Paxon	Skelton	

NOES—114

Abercrombie	Furse	Mink
Allen	Gutierrez	Murtha
Andrews	Hall (OH)	Nadler
Becerra	Hastings (FL)	Neal
Bentsen	Hinchey	Oberstar
Berman	Hinojosa	Olver
Boehlert	Holden	Owens
Bonior	Hoyer	Pastor
Borski	Jackson (IL)	Payne
Boyd	Jackson-Lee (TX)	Rahall
Brady (PA)	Johnson, E. B.	Rangel
Brown (CA)	Kanjorski	Reyes
Brown (FL)	Kaptur	Rivers
Brown (OH)	Kennedy (MA)	Rothman
Capps	Kennedy (RI)	Rush
Cardin	Kilpatrick	Sanchez
Carson	King (NY)	Sandlin
Clay	Klink	Sawyer
Clayton	Kucinich	Scott
Clement	LaFalce	Serrano
Clyburn	Lantos	Shays
Conyers	Lee	Skaggs
Cummings	Levin	Slaughter
Davis (FL)	Lofgren	Snyder
Davis (IL)	Lowey	Stark
Delahunt	Manton	Tanner
Dingell	Matsui	Tierney
Doggett	McCarthy (MO)	Torres
Dooley	McCarthy (NY)	Velázquez
Doyle	McDermott	Vento
Edwards	McGovern	Visclosky
Engel	McHale	Waters
Eshoo	McNulty	Watt (NC)
Evans	Meehan	Waxman
Farr	Meek (FL)	Wexler
Fattah	Meeks (NY)	Woolsey
Fazio	Menendez	Wynn
Filner	Metcalf	
Frank (MA)		

NOT VOTING—36

Ackerman	Coburn	Frost
Baker	Danner	Gephardt
Bilirakis	Dixon	Gonzalez
Blagojevich	Ehrlich	Hefner
Coble	Ford	Hilliard
Jefferson	Millender-McDonald	Roybal-Allard
John	Moakley	Stokes
Kennelly	Norwood	Thompson
Lewis (GA)	Ortiz	Towns
Lipinski	Pelosi	Traficant
Markey	Poshard	Yates
Martinez	Riggs	
McDade		

□ 2120

Mr. BERRY and Mr. DICKS changed their vote from "no" to "aye."

So the amendment to the amendment in the nature of a substitute was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. KLECZKA. Mr. Chairman, I was unavoidably detained on rollcall vote 301, the Wicker amendment. Had I been present, I would have voted "aye".

Mr. SHAYS. Mr. Chairman, for the purposes of taking up a rule, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. BARR of Georgia, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2183) to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes, had come to no resolution thereon.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4193, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 105–637) on the resolution (H. Res. 504) providing for consideration of the bill (H.R. 4193) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1999, and for other purposes, which was referred to the House Calendar and ordered to be printed.

GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res 301.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

PERSONAL EXPLANATION

Mr. BARRETT Of Wisconsin. Mr. Speaker, I was unavoidably detained in my district earlier today, and I missed four votes. If I had been here, I would have voted the following: On rollcall No. 297, H.R. 3874, I would have voted "aye". On rollcall No. 298, H. Con. Res. 208, I would have voted "aye". On rollcall 299, H. Con. Res. 392, I would have voted "aye". On rollcall 300, H. Con. Res. 301, I would have voted "aye".

PERSONAL EXPLANATION

Mr. LAMPSON. Mr. Speaker, on June 25, 1998, on rollcall vote 274, I am recorded as not voting. I was hosting the Vice President in my district on that afternoon. This bill provides for restructuring the management of the Internal Revenue Service by establishing an oversight board to oversee the agency's operations. Along with expanding certain taxpayer rights, the conference report also reduces from 18 months to 12 months the time a taxpayer must hold an investment before being eligible for the 20 percent tax rate on capital gains.

Had I been recorded on that vote, I would have voted "aye".

PERSONAL EXPLANATION

Mr. MALONEY of Connecticut. Mr. Speaker, I was unavoidably detained for recorded votes earlier today. If I had been present for the following votes, I would have voted as follows: Rollcall 297, H.R. 3874, "aye"; rollcall 298, H. Con. Res. 208, "aye"; rollcall 299, H. Res. 392, "aye"; rollcall 300, H. Con. Res. 301, "aye".

BIPARTISAN CAMPAIGN INTEGRITY ACT OF 1997

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 442 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2183.

□ 2125

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2183) to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes, with Mr. BARR of Georgia (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole House rose earlier today, the amendment offered by the gentlewoman from Kentucky, Mrs. Northup, has been disposed of.

It is now in order to consider the amendment by the gentleman from Virginia (Mr. GOODLATTE).

AMENDMENT OFFERED BY MR. GOODLATTE TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 13 OFFERED BY MR. SHAYS

Mr. GOODLATTE. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The CHAIRMAN pro tempore. The Clerk will designate the amendment to the amendment in the nature of a substitute.

The text of the amendment to the amendment in the nature of a substitute is as follows:

Amendment offered by Mr. GOODLATTE to the amendment in the nature of a substitute No. 13 offered by Mr. SHAYS:

Add at the end the following new title:

TITLE ___—VOTER REGISTRATION REFORM

SEC. ___01. REPEAL OF REQUIREMENT FOR STATES TO PROVIDE FOR VOTER REGISTRATION BY MAIL.

(a) IN GENERAL.—Section 4(a) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–2) is amended—

(1) in paragraph (1), by adding "and" at the end;

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

(b) CONFORMING AMENDMENTS RELATING TO UNIFORM MAIL VOTER REGISTRATION FORM.—(1) The National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.) is amended by striking section 9.

(2) Section 7(a)(6)(A) of such Act (42 U.S.C. 1973gg–5(a)(6)(A)) is amended by striking "assistance—" and all that follows and inserting the following: "assistance a voter registration application form which meets the requirements described in section 5(c)(2) (other than subparagraph (A)), unless the applicant, in writing, declines to register to vote;".

(c) OTHER CONFORMING AMENDMENTS.—(1) The National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.) is amended by striking section 6.

(2) Section 8(a)(5) of such Act (42 U.S.C. 1973gg–6(a)(5)) is amended by striking "5, 6, and 7" and inserting "5 and 7".

SEC. ___02. REQUIRING APPLICANTS REGISTERING TO VOTE TO PROVIDE CERTAIN ADDITIONAL INFORMATION.

(a) SOCIAL SECURITY NUMBER.—

(1) IN GENERAL.—Section 5(c)(2) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–3(c)(2)) is amended—

(A) by striking "and" at the end of subparagraph (D);

(B) by striking the period at the end of subparagraph (E) and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(F) shall require the applicant to provide the applicant's Social Security number.".

(2) CONFORMING AMENDMENT.—Section 5(c)(2)(A) of such Act (42 U.S.C. 1973gg–3(c)(2)(A)) is amended by inserting after "subparagraph (C)" the following: ", or the information described in subparagraph (F)".

(3) EFFECTIVE DATE.—The amendments made by this section shall take effect January 1, 1999, and shall apply with respect to applicants registering to vote in elections for Federal office on or after such date.

(b) ACTUAL PROOF OF CITIZENSHIP.—

(1) REGISTRATION WITH APPLICATION FOR DRIVER'S LICENSE.—Section 5(c) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–3(c)) is amended by adding at the end the following new paragraph:

"(3) The voter registration portion of an application for a State motor vehicle driver's license shall not be considered to be completed unless the applicant provides to the appropriate State motor vehicle authority proof that the applicant is a citizen of the United States.".

(2) REGISTRATION WITH VOTER REGISTRATION AGENCIES.—Section 7(a) of such Act (42 U.S.C. 1973gg–5(a)) is amended by adding at the end the following new paragraph:

"(8) A voter registration application received by a voter registration agency shall not be considered to be completed unless the applicant provides to the agency proof that the applicant is a citizen of the United States.".

(3) CONFORMING AMENDMENT.—Section 8(a)(5)(A) of such Act (42 U.S.C. 1973gg–6(a)(5)(A)) is amended by striking the semicolon and inserting the following: ", including the requirement that the applicant provide proof of citizenship;".

(4) NO EFFECT ON ABSENT UNIFORMED SERVICES AND OVERSEAS VOTERS.—Nothing in the National Voter Registration Act of 1993 (as amended by this subsection) may be construed to require any absent uniformed services voter or overseas voter under the Uniformed and Overseas Citizens Absentee Voting Act to provide any evidence of citizenship in order to register to vote (other than any evidence which may otherwise be required under such Act).

SEC. ___03. REMOVAL OF CERTAIN REGISTRANTS FROM OFFICIAL LIST OF ELIGIBLE VOTERS.

(a) IN GENERAL.—Section 8(d) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–6(d)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph:

"(3)(A) At the option of the State, a State may remove the name of a registrant from the official list of eligible voters in elections for Federal office on the ground that the registrant has changed residence if—

"(i) the registrant has not voted or appeared to vote (and, if necessary, correct the registrar's record of the registrant's address) in an election during the period beginning on the day after the date of the second previous general election for Federal office held prior to the date the confirmation notice described in subparagraph (B) is sent and ending on the date of such notice;

"(ii) the registrant has not voted or appeared to vote (and, if necessary, correct the registrar's record of the registrant's address) in any of the first two general elections for Federal office held after the confirmation notice described in subparagraph (B) is sent; and

"(iii) during the period beginning on the date the confirmation notice described in subparagraph (B) is sent and ending on the date of the second general election for Federal office held after the date such notice is sent, the registrant has failed to notify the State in response to the notice that the registrant did not change his or her residence, or changed residence but remained in the registrar's jurisdiction.

"(B) A confirmation notice described in this subparagraph is a postage prepaid and pre-addressed return card, sent by forwardable mail, on which a registrant may state his or her current address, together with information concerning how the registrant can continue to be eligible to vote if the registrant has changed residence to a place outside the registrar's jurisdiction and a statement that the registrant may be removed from the official list of eligible voters if the registrant does not respond to the notice (during the period described in subparagraph (A)(iii)) by stating that the registrant did not change his or her residence, or changed residence but remained in the registrar's jurisdiction.".

(b) CONFORMING AMENDMENT.—Section 8(i)(2) of such Act (42 U.S.C. 1973gg–6(d)) is amended by inserting "or subsection (d)(3)" after "subsection (d)(2)".

SEC. ___04. PERMITTING STATES TO REQUIRE VOTERS TO PRODUCE ADDITIONAL INFORMATION PRIOR TO VOTING.

(a) PHOTOGRAPHIC IDENTIFICATION.—Section 8 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–6) is amended—

(1) by redesignating subsection (j) as subsection (k); and

(2) by inserting after subsection (i) the following new subsection:

"(j) PERMITTING STATES TO REQUIRE VOTERS TO PRODUCE PHOTO IDENTIFICATION.—A State may require an individual to produce a valid photographic identification before receiving a ballot (other than an absentee ballot) for voting in an election for Federal office.".

(b) SIGNATURE.—Section 8 of such Act (42 U.S.C. 1973gg–6), as amended by subsection (a), is further amended—

(1) by redesignating subsection (k) as subsection (l); and

(2) by inserting after subsection (j) the following new subsection:

"(k) PERMITTING STATES TO REQUIRE VOTERS TO PROVIDE SIGNATURE.—A State may require an individual to provide the individual's signature (in the presence of an election official at the polling place) before receiving a ballot for voting in an election for Federal office, other than an individual who is unable to provide a signature because of illiteracy or disability.".

SEC. ___05. REPEAL OF REQUIREMENT THAT STATES PERMIT REGISTRANTS CHANGING RESIDENCE TO VOTE AT POLLING PLACE FOR FORMER ADDRESS.

Section 8(e)(2) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–6(e)(2)) is amended—

(1) by striking "(2)(A)" and inserting "(2)"; and

(2) by striking "election, at the option of the registrant—" and all that follows and inserting the following: "election shall be permitted to correct the voting records for purposes of voting in future elections at the appropriate polling place for the current address and, if permitted by State law, shall be permitted to vote in the present election, upon confirmation by the registrant of the new address by such means as are required by law.".

SEC. ___06. EFFECTIVE DATE.

The amendments made by this title shall apply with respect to elections for Federal office occurring after December 1999.

The CHAIRMAN pro tempore. Pursuant to the order of the House of Friday, July 17, 1998, the gentleman from Virginia (Mr. GOODLATTE) and a Member opposed each will control 20 minutes.

Mr. LEVIN. Mr. Chairman, I ask unanimous consent to claim the time in opposition.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to offer an amendment to the Shays-Meehan substitute. This amendment contains common sense reforms that will restore integrity to our elections.

Mr. Chairman, voting is the most important responsibility of any citizen in a democracy. Many brave men and women have given their lives to protect our right to vote, to determine for ourselves the shape and direction of our government.

When individuals are allowed to abuse our electoral process, it destroys the integrity of our democracy. It erodes public confidence in the system and sends a signal to the American people that their vote does not count. It suggests that government is not really the people's but rather a tool of those who would corrupt it for their own personal gain. This breeds cynicism and destroys the motivation of our citizens to participate.

This amendment addresses the real problems of voter fraud that demean our democracy. In the past several years, Congress has tried to make it easier for American citizens to participate in the democratic process by enacting legislation which relaxes regulation and voting requirements.

We can all agree that this is a noble and responsible goal. In this effort, however, Congress has denied the States the ability to maintain reasonable requirements that protect the security and integrity of our elections. Therefore, we must act now to restore vital protections that ensure our elections will truly represent the will of the people.

This amendment restores integrity in our electoral system by targeting three major areas, the voter registration application process, the maintenance of voter rolls, and voting on election day. It is modeled after legislation I introduced last year and is also similar to legislation considered by the House earlier this year.

To address shortcomings in the voter registration system, the amendment requires anyone registering to vote to show proof of their citizenship. To make this provision feasible and to further improve the registration process, it repeals the Federal requirement that States must permit individuals to register by mail.

Let me be clear on this point. This amendment does not prevent States from allowing voter registration by mail. It simply gives States a choice by removing the current Federal mandate of mail in registration.

□ 2130

Currently there is no way to ensure that individuals registering by mail are actually United States citizens or if they are even who they say they are. The American people may be shocked to know there is essentially nothing to prevent an individual from mailing in a registration card with phony information and being allowed to vote.

Second, the amendment includes provisions to improve the ability of State election officials to maintain accurate voter rolls. It allows, not requires, but allows a State to purge the rolls or remove the names of voters from the Federal election rolls if they have not voted in two consecutive Federal elections and do not respond to a confirmation notice.

In addition, my amendment addresses the problem of double voting by repealing the provisions of current law that allow individuals who have recently moved within a county or district to vote at the voting location of either their old or their new address.

To combat voter fraud on election day, my amendment implements two important provisions. First, it permits, but does not mandate, that States require voters to sign their name before entering the voting booth. Then, if it becomes necessary to investigate an election, States will be able to compare the signatures on the voting lists with the signatures on the voter registration forms to verify identity.

Second, my amendment permits, but does not mandate, that States require individuals to produce photo ID's in order to vote in a Federal election. The amendment also includes a provision clarifying that none of these provisions interfere with the law governing overseas and military voting.

Mr. Chairman, the American people expect their elections to be clean, fair, and honest. This amendment restores the prestige that has long been an integral part of our Nation's electoral process.

I urge my colleagues to support this common sense amendment protecting our elections from fraud and abuse.

Mr. LEVIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this proposal has nothing to do with campaign reform. What it would do would be to turn back a law that we passed a few years ago.

Why is it being done? It was said in a different time that money is the mother's milk of politics, but, unfortunately, increasingly there has been a poisoning of politics by money. Now, in order to thwart the effort to take the endless flow of money out of politics, to have responsibility and accountability, the gentleman from Virginia (Mr. GOODLATTE) is essentially presenting a poison pill, a poison pill to bring down Shays-Meehan. He knows very well, as should anybody who votes for it, that Shays-Meehan cannot become law with this provision in it.

The President has made clear his position about the motor-voter bill. It is very clear on this side of the aisle where we stand, and I am hopeful that those on the majority side who really want Shays-Meehan will say this: Look, we will argue motor-voter, but some other day.

The bill before us relates to the flow of money into politics. There are endless electoral provisions, endless, that could be brought up at this point that are not essentially related to money.

So what does this bill do? It essentially requires Social Security numbers on voter registration applications. Though there is question whether that is even constitutional, I think it is bad policy. You talk about intrusion by the Federal Government, and you want that requirement? You do not want to leave it to the States?

Also, there is a requirement regarding photo identification. Now, look, under present law, States can provide or require that kind of identification, as long as it is done in a uniform, nondiscriminatory way and in compliance with the Voting Rights Act. Essentially, the gentleman from Virginia (Mr. GOODLATTE) wants to repeal this part of the Voting Rights Act.

Also the provisions regarding mail-in requirements, now, I understand why some people do not like this. There are some who have made a calculus that the more who vote, the worse it is for them.

But that is violative of the democratic process, in my judgment. We should all be for encouraging more voters, not less. There are also provisions here about dropping people from the rolls for not voting, and I understand there is some controversy about this, about the law that we passed several years ago. But let us take it up in a forum, in a format, that does not threaten this bill.

Mr. Chairman, I would just close with this: We have an opportunity to act. Everybody sitting in this body knows better than anybody else the contamination caused by the endless anonymous flow of money. Everybody, worthy people who know more than virtually anybody else about this. And we should be the ones leading reform, not the ones waiting for an uprising.

This amendment, if adopted, would kill Shays-Meehan. If attached to the freshmen bill, if that were to come up, it would kill it. I think that is perhaps why it is being introduced here.

Mr. Chairman, I urge its defeat. Let us take up campaign finance reform as promised, and we will take up these other issues some other day.

Mr. Chairman, I reserve the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, our act only amends the so-called Motor-Voter Act, which is superseded by the Voting Rights Act, which is not affected by this legislation in any way, shape or form.

Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. MCCOLLUM).

Mr. MCCOLLUM. Mr. Chairman, I rise to strongly support this amendment by the gentleman from Virginia (Mr. GOODLATTE). The gentleman and I have worked for a long time about trying to take fraud out of the motor-voter laws and out of the laws that exist today, the potential for fraud, throughout this Nation. I know the gentleman has no intention to offer this for any other purpose than to advance that cause.

There are two provisions within the gentleman's amendment identical to those which I put in in a separate bill for a separate session of Congress, two provisions that are supported by all 67 supervisors of elections in the State of Florida, both Democrat and Republican.

One of those that they all find critical to being able to fight voter fraud is to be able to purge the rolls every couple of years. They are not now permitted to do it. The cost that they have, they are enormous in carrying these rolls. There are many duplications on those rolls.

It is ridiculous to require that you cannot purge, and that is what the law today says, you cannot remove names. If proper notice is given, like the Goodlatte amendment requires, and confirmation notice follows it up, everybody is given an opportunity, if you have not voted in two consecutive Federal elections, the supervisor's office should certainly be allowed to purge the role and eliminate the name.

The other is the Social Security card question. Right now most supervisors do not feel that they have the authority to require the production of a Social Security number when somebody registers to vote. Having that number on record is very essential to avoid the duplication that occurs. Potentially when people have the same names, it is very, very bad. Twenty-one Jane Smiths do exist out there. What about people in other counties?

It is very important to have that provision in the law, and I strongly urge the adoption of this amendment for both of those reasons, but I fully support the entire provisions that are in this amendment, and urge a yes vote on the Goodlatte amendment.

Mr. Chairman, I thank the gentleman for yielding me time.

Mr. LEVIN. Mr. Chairman, I yield 4 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Chairman, I rise today in support of the bipartisan Shays-Meehan campaign finance reform bill. Since my first day in office, I have been working hard with these two colleagues and many others to deliver meaningful, sensible reform of our beleaguered campaign finance system for the American people.

I am dismayed that some Members of this House have played partisan politics with common sense legislation. The amendment currently under debate is another attempt to derail Shays-Meehan and kill finance reform. The Goodlatte amendment would effectively repeal the mail-in registration provision of the motor-voter law.

During my recent special election, a massive vote-by-mail drive conducted both by my campaign and my opponent's campaign led to overwhelming voter participation. In fact, our special election witnessed the highest voter turnout in a special election in the history of elections in California. Without mail-in registration, many hard working men and women would not have been able to vote.

Registering to vote and getting to the polls is often difficult for people who struggle to balance their jobs with the need to drive their kids to and from school and other activities. Terminating mail-in registration would also, for obvious reasons, disenfranchise elderly and disabled voters. The current motor-voter law has been tremendously successful. Currently we have the highest percentage of voter registration, 73 percent, since reliable voting records were first made available in 1960.

Mr. Chairman, do we only want people to register to vote who are young, able-bodied and have flexible schedules? Clearly the answer is no.

I am also very concerned with the provision in this amendment which would allow States to require a photo ID in order to vote. A variant of this idea was implemented during my special election in March, and it had disastrous results.

The Secretary of State of California asked poll workers to request that voters voluntarily submit their driver's licenses to clean up the voter data base. This seemingly innocent request led to many troubling incidents. One elderly Santa Barbara woman went to her polling location only to be told she could not vote because she failed to produce a driver's license.

This woman, who no longer drove a car, had voted in every election as long as she could remember. She no longer had any need for a photo ID and was distraught when told she could not vote. Finally a poll worker allowed the woman's husband to vouch for her identity.

In addition, poll workers did not consistently enforce the Secretary of State's request. Voters in areas that have larger Hispanic populations were required to show driver's licenses more often than voters in more affluent, predominantly white neighborhoods.

This program, which was scheduled to be implemented throughout the State, has since been cancelled. Actually voter registration, when effectively implemented, provides the voter with all the ID necessary. If you are adequately registered, you have the right to vote.

Requiring voters to show a photo ID is intimidating to new voters who are still unsure of the process. This action inadvertently leads to discrimination against voters of different races and nationalities. In all likelihood, someone who looks like me would not be asked to produce a photo ID at my polling location, but a Latino American or Asian American would be.

We need to be implementing laws that encourage voter participation, rather than chasing away eligible voters already engaged in the process. I urge a no vote to this amendment, and I hope we will pass the Shays-Meehan bill very soon.

Mr. GOODLATTE. Mr. Chairman, it is my pleasure to yield 2 minutes to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Chairman, I thank my friend from Virginia for yielding me time.

Mr. Chairman, I strongly support the Goodlatte amendment to restore integrity to elections. There is no more revered right of citizenship than the right to vote. The 1996 Illegal Immigration Reform and Immigrant Responsibility Act made it both a Federal crime and a deportable offense when noncitizens vote.

Allowing noncitizens to vote cheapens the right for the rest of us. There is currently no satisfactory way for local registrars to ensure that there are no noncitizens on their voting rolls or for the Justice Department to enforce the penalties. Attempts have been made to check voting rolls against Immigration and Naturalization Service records in order to identify noncitizens. However, INS data, at best, can only tell us that a voter is a legal immigrant or a citizen. INS data cannot tell us whether a voter is in fact an illegal alien.

I want to thank my friend from Virginia (Mr. GOODLATTE) for offering this amendment. The enactment of the motor-voter law and the loosening of voter registration requirements have released a flood of voter irregularities and illegalities across the country. Not only has motor-voter failed to increase voter turnout, it in fact has encouraged voter fraud.

I urge my colleagues to support this amendment and let the American people know that we will protect and honor their right to vote, and restore integrity to the election process.

Mr. LEVIN. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Chairman, it is ironic in a bill designed to encourage the faith of the American people in the political process we would see an amendment like this that is a veritable wish-list of provisions to discourage voter participation. Our rate of voter participation is low enough as it is. We should be encouraging people to get involved, not throwing up roadblocks.

□ 2145

This amendment actually allows the State to remove one from the voter rolls if one fails to vote in two consecutive elections. Now, I wish everyone would vote in every election, but since when does one have to vote in every election to maintain one's right to vote, or in every two elections? I think most Americans would find that outrageous. This is a constitutional right we are talking about taking away, and why? Because the person missed an election? Voter registration by mail is an important option for people who are homebound or who have limited access to transportation. Why would we take away that option? What evidence is there that this is encouraging voter fraud?

Perhaps worst of all, this amendment gives the States free rein to require additional information to vote, including a photo I.D. and so-called proof of citizenship, yet we already know from the now totally discredited Dornan investigation that our, meaning the Federal Government's current records, produced all sorts of mistakes. Nuns and our own military men and women were falsely accused of illegal voting. We know that selective enforcement of such I.D. will be applied to those who may not have blond hair or blue eyes or otherwise be considered typically American. Is that the type of system we want to make nationwide? I hope not.

The question is, are we going to encourage voter participation and make it convenient for our citizens to vote, or are we going to turn the voting process into a system of government background checks, interrogations and false accusations?

The ballot box should be a place of sanctity and freedom, not of distrust and suspicion.

This amendment should be defeated. It is anti-voter, it is anti-participation, and it is anti-democratic.

Mr. GOODLATTE. Mr. Chairman, I yield 1 minute to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Chairman, I thank my friend from Virginia for yielding me this time.

Mr. Chairman, I rise tonight in strong support of this amendment, because far from being a poison pill, it carries to the logical conclusion what we should all be about in this Chamber, and that is the elimination of corruption in the campaign and election process. The election is the logical culmination of the campaign. Mr. Chairman, we should stand foursquare for the legitimate rights of United States citizens to vote in open and honest elections. The Goodlatte amendment helps ensure this.

Mr. Chairman, I have spent part of this weekend in the Pleasant Valley of Arizona in the tiny hamlet of Young, and people there came and asked me, they said, "When we go to the city and go to buy something at a grocery store with a check, we have to show two forms of identification. But under current United States law, we require no identification to claim citizenship to vote."

Mr. Chairman, reasonable people would call for this rational reform for open, fair and free elections.

Mr. LEVIN. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. FARR), a leader in this entire effort.

Mr. FARR of California. Mr. Chairman, I thank the gentleman for yielding me this time.

I am sitting here tonight wondering what is happening to us. Have we become so suspicious of our own country that we do not believe in democracy anymore? This debate is supposed to be about campaign finance reform, and now we are debating an amendment that says we do not trust the people who are asking to participate in our democracy.

The gentleman from Connecticut (Mr. SHAYS) and I were both in the Peace Corps. We were so proud of talking about what is the governance structure of this country. I have to tell my colleagues that this amendment tonight is going too far. This says we do not trust the people out there; we do not want to be a government by the people.

We are sitting here in this room with all of these law-givers around us, and I realize that not one of them, except for Thomas Jefferson, was a citizen. But how could we prove he was a citizen, because when he was born, there was no country. So the people we respect we now deny with these kinds of amendments in saying that if one is an American, one has to prove it.

Which one of us walks around with any kind of proof that shows that you are an American citizen? Show me. There is not one thing on your body that has it. Not a driver's license, not a credit card. It does not say you are a citizen of America, but this amendment is going to require it, an I.D. with a photo. One has to have a Social Security card and put down Social Security numbers, driver's license numbers?

The American public is going to say, what are you doing to us? Is this what you require of us to participate in a democracy that is of the people, by the people and for the people? My God, this is the country that did away with literacy tests to allow people to vote, and poll taxes, and now we are putting it back on in indirect ways.

We should look before we leap with these kinds of amendments. This is a bill about congressional campaign reform, about finance reform, about how we pay for elections; not how we distrust the voters of America. I think we are doing a pretty good job and I think our forefathers would be ashamed of us in thinking of this kind of an amendment.

Mr. GOODLATTE. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, we recently had an election in Louisiana under the "motor voter" law. That election left us with a huge and extended voter inquiry by the Senate committee questioning the outcome of that Senate race. The reason that happened in our State was, the allegations of people registering improperly and then voting multiple times by simply changing outer garments and coats and walking back in the polls and voting again, the reason all of that happened was because the election safeguards in our State completely broke down. The Senate committee that investigated that election ended up saying, "We cannot tell you whether or not voter fraud occurred in Louisiana, because all of the systems by which we ought to be able to tell whether it occurred broke down."

A newspaper in Lake Charles using the motor voter law attempted to register 21 fictitious individuals and ended up registering 19 successfully. One of them was a dog, and anyone representing themselves to be that person that was a dog could have shown up on Election Day in Louisiana and voted because this was no requirement in the law then to produce any photo I.D. Since that time, the Federal Government has finally allowed Louisiana to require a photo I.D. It is now the law of Louisiana, now approved by the Justice Department in our State following that terrible, indeed questionable election in Louisiana.

What this amendment does is to do two things that I think are vitally important to improve the motor voter law in our country. It says that the States can indeed provide mail balloting if they want to, mail registration, but that if they do, proof of citizenship should be required.

We ought to know who is registering. We should be able to prove who we are; and then, secondly, when one shows up to vote, there ought to be some identifiable photo, just as one would present a photo when one checks one's luggage at an airport or try to buy tobacco in a grocery store, some identifiable indication of who you are, that you are the person who is registering. Those two changes are critical for valid elections in America.

Mr. LEVIN. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. CAMPBELL), surely a leader in the campaign reform effort.

Mr. CAMPBELL. Mr. Chairman, I thank my generous friend for his kind comments.

If I might engage the author for just a second of clarification, I would be so

grateful, if he would care to respond. I would inquire of the gentleman, does the gentleman's amendment require the use of the Social Security number in order to vote?

Mr. GOODLATTE. Mr. Chairman, if the gentleman will yield, the amendment does call for a Social Security number and proof of citizenship to register to vote.

Mr. CAMPBELL. Mr. Chairman, reclaiming my time, I appreciate the gentleman answering me. The gentleman from Virginia has been honest and fair in his representation of his amendment; nevertheless, it greatly troubles me, and I am sorry that the gentleman added that to his bill. We should not require the use of the Social Security number in that way.

I will tell my colleagues why. First of all, it gets pretty close to the national I.D. and I have always tried to prevent that from happening. Secondly, the Social Security number is a matter of privacy to a whole lot of us, and if we require it, we are going to have that on the voter registration rolls and people are going to find out what one's Social Security number is, and from that a lot of things can be done to identify somebody that they may not otherwise have.

It probably is not the gentleman's intention, but he moves us one step along the way that motor voter moved us, and I voted "no" on motor voter because I thought it was too much Federal intrusion into States' rights in establishing what are the qualifications for voting.

The Constitution says that it is the States that are responsible for determining the qualifications for electors. The Constitution says it is the same qualifications as electors for the most numerous branch of the State legislature. So we in California, we get to decide that. You in Virginia and in your legislature would get to decide that. But motor voter said no, we are going to have Federal rolls.

Well now, again, no doubt with the best intentions, I think the gentleman from Virginia is moving us farther along that way by saying the Federal Government mandates that this shall also be a qualification for election, namely the use of a Social Security number, even though the Constitution says for Federal elections, for Federal elections, it is the business of the States. I regret I must oppose this amendment.

Mr. GOODLATTE. Mr. Chairman, I yield myself such time as I may consume to quickly say that this in no way establishes a national I.D. card. This is simply for the purpose of the security of the ballots.

I agree with gentleman's concern about the motor voter laws that mandated so many requirements on the States, and this repeals a great many of those mandates upon the States, and it does not use that number for any purpose, nor does it permit it for any additional purpose other than an establishment of the individual's citizenship in this country.

Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I rise in strong support of this amendment. What we are talking about is the elimination of what we Californians who are aware of what is going on call the illegal alien voter registration act, which was called by this body the motor voter act.

This amendment makes real the alleged purpose of the bill that we are talking about. We are talking about reforming the political process to ensure that election results will reflect the will of the American people. Well, there is nothing better that we can do to accomplish this end than to protect the rights of our own people by making sure that the election process and the sanctity of the ballot is protected, to ensure that American votes are not made meaningless by the votes of millions of noncitizens, many of whom have come here illegally.

Back in 1993 when the Democratic Party controlled both Houses of Congress, they established rules that went far too far to open up the system, and thus they left the system opened up to incredible abuse. We are trying to bring balance back to that, ensure the sanctity of the ballot for the will of the American people. Support this amendment.

Mr. LEVIN. Could I ask the Chairman once again to give us the time remaining on each side?

The CHAIRMAN pro tempore. The gentleman from Michigan has 6½ minutes remaining; the gentleman from Virginia has 7 minutes remaining.

Mr. LEVIN. Mr. Chairman, I yield 1½ minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for his kindness.

I wonder what President Johnson would have thought as he signed the Voter Rights Act of 1965, where so many people had been left out of the circle of empowerment, were denied the right to vote, but on the sweat and tears and the advocacy of those who watched and walked, those of us who looked like me were able to vote.

This legislation is the killer weed legislation. It is to destroy campaign finance reforms. It stings and it hurts. It denies truck drivers and welfare mothers and laborers and domestics who have inflexible time the ability to go and vote. It purges people from the right to vote, from the voter polls, and it is unconstitutional.

A 4th Circuit case in 1993 said that if you require someone to use their Social Security number in order to vote, you deny them the right of the 1st and 14th Amendments. It is unconstitutional. We know what you are saying here. People with different names, people that come from different walks of life, whose skin color is different, this is to get these kinds of folk off of the polls.

What are we talking about here in America? The right to vote. My view is that all Americans want everyone to have the right to vote, yes, and to vote legally.

□ 2200

The States can determine whether one is legally able to vote. They can require ID when voters go to the polls. Mr. Chairman, this is not campaign finance reform. It is killer bee legislation. It is destructive legislation. It destroys the right to vote. It infringes on privacy.

It says to those who could be intimidated, "We will intimidate you," and it says to those who died for those to vote that their life was in vain.

Mr. Chairman, I ask my colleagues to vote against this bill that destroys democracy in America.

Mr. GOODLATTE. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. HORN).

Mr. HORN. Mr. Chairman, I thank the gentleman from Virginia (Mr. GOODLATTE) for yielding me this time, and I congratulate him on his proposal.

Mr. Chairman, I grew up in California where we had honest elections. We did not at the turn of the century, but a great progressive Republican governor, Hiram Johnson, turned that State around.

We no longer have honest elections in parts of California. The fact is in my own district, a section of San Pedro, the person who was the assassin of the Mexican presidential nominee happened to live in my district. He registered twice. He was not an American citizen.

I think anyone who says, hey, that it does not matter whether a voter is a citizen, I cannot believe it. People come here to become citizens. My father was an immigrant and his proudest day was when he became a citizen and could vote.

There is no reason we should not require proof. Photo ID? We do not get on an airplane flight in this country without showing a photo ID. Do my colleagues who oppose this amendment mean to say that an airplane flight has greater weight than proof of citizenship in an election at the polls? Of course the proof of citizenship should be there.

The fact is we just voted for a proposal to stop the walking around money. Now we know in Texas and other areas there is great use of some of the walking around money. People coming across the border. The Duke of Duval County decided Texas elections

by hundreds and thousands of votes that he illegally put on the rolls.

On the purging of the rolls, I recall our friends on the other side of the aisle who in 1993 dominated that Congress. When it was put to them: Should we not purge the rolls at least in 5 years or 10 years? "No, you cannot do it," they said. How about 25 years? "No, you cannot do it." How about 50 years? Can we not say that those people who have never voted for 50 years and are still on the rolls must not still be around? "No," we were told by the then majority "sorry, cannot do it." And then we got to a hundred years in an amendment offered by the distinguished gentleman from Louisiana [Mr. LIVINGSTON] who knows where fraud is.

Mr. Chairman, I would say let us back citizenship when it comes to American elections. Let us have honest elections.

Mr. LEVIN. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, this is a poison pill proposal designed to kill campaign finance reform. Pure and simple. But what is amazing about what the Republicans are doing here tonight is that it is anti-American, that it disregards States rights, that it is an intrusion into the privacy of American citizens.

Just a little while ago we voted with the Republicans to deny the right to spend one dollar to help a senior citizen to the polling place on Election Day. Now we have a proposal that would say voters have to present a Social Security number and card and proof of citizenship. Well, all of this is undermining the voting rights of all of our citizens and, of course, the Voting Rights Act that so many fought and even died for.

What are my colleagues on the other side doing? Are they taking us back to the time that many of us know too much about? Literacy tests? Poll tax?

Well, some of us and our forefathers have been in this struggle. They have been in this fight to get rid of that kind of discrimination and marginalization and denial. Some of us even joined to help our friends in South Africa against national ID, known as pass laws. We are not going back there.

Mr. Chairman, if this is some attempt to kill the bill, let me just tell my colleagues this. It does not matter whether or not they are able to convince people on this floor to vote for this kind of anti-American proposal. We will beat them in the courts on this, because this is unconstitutional.

So I would hope that my colleagues would live up to who they are supposed to be. I cannot imagine what the American people will think about the kinds of things that they are doing that are so anti-American. This is unconstitutional, and I ask for a "no" vote.

Mr. GOODLATTE. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Chairman, a very fundamental question in the American democracy is how do we ensure that voters are legal voters? What is the purpose of voter registration? It is, pure and simple, to prevent fraud.

We have to recognize that the laws of this land are written to control the bad folks, not the good folks. And I do not think it is an insult to Americans to have voter registration. But if we have registration, there has to be some requirement that the people have met the requirements of the registration laws. How do we do this? By checking identification when someone registers to vote.

If we prohibit that, if we have simple mail-in voting registration for anyone that wishes, then why have registration at all? Why not just simply use the poll directory or the telephone directory and check people off on that as they vote?

If we are going to have a voter registration and the purpose of it is to prevent fraud, we have to ensure that fraudulent behavior does not take place and this bill will do that.

Mr. LEVIN. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Connecticut (Mr. SHAYS), coauthor of this legislation in the battle for reform.

Mr. SHAYS. Mr. Chairman, I thank the gentleman from Michigan (Mr. LEVIN) for yielding me this time.

Mr. Chairman, I voted for the motor voter bill and I did so as a Member who represents Stanford, Norwalk, and Bridgeport. I represent the problems that we have in urban areas and the need to encourage people to register and vote.

I am troubled that this amendment requires a Social Security number to register to vote. I am troubled that the State would put more requirements on voter ID. States are allowed now to have voter IDs, but there are certain requirements that they be done uniformly.

I believe if citizens have not voted they should not be dropped from the rolls. I just happen to believe that. And this would allow States to drop voters who happen not to vote.

It would repeal the Maryland registration, which has done a wonderful job of registering not just Democrats, as everyone feared, but Republicans and Independents. In fact, more Independents have registered than Democrats or Republicans. I think this has increased involvement in the process, and I regret sincerely that in a vote on campaign finance reform we have this issue which is dealing with something very, very different.

Mr. GOODLATTE. Mr. Chairman, I reserve the balance of my time.

Mr. LEVIN. Mr. Chairman, I yield the balance of my time to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Chairman, I thank the gentleman from Michigan (Mr. LEVIN) for yielding me this time.

Mr. Chairman, I rise today in opposition to any measure that seeks so-called citizenship verification. At a time when voter turnout is lower than low, we must encourage rather than discourage citizens of this great Nation from voting.

Clearly, the history of discrimination against voters in this country should admonish this Congress that State and local governments may interpret Federal laws differently. Yet this amendment would allow States the privilege of requiring voters to provide proof of citizenship and a Social Security number when registering to vote.

I ask is this flawed process of verifying citizenship just another version of modern day Jim Crow? How many of our citizens are supposed to provide proof citizenship when neither the INS nor the Social Security agency kept naturalization records until 1978?

So I ask this Congress since when has a citizen's honor not been enough? When a person swears that they are indeed a citizen of the United States of America, they do so with the understanding that if they are incorrect they are perjuring themselves.

I say let us go forward, Mr. Chairman, and not backwards. Let us vote down this amendment and move America into the 21st century with democracy, equality and justice for all.

Mr. GOODLATTE. Mr. Chairman, for the purpose of closing the debate, it is my pleasure to yield the balance of my time to the gentleman from Texas (Mr. DELAY), the majority whip.

The CHAIRMAN pro tempore. The gentleman from Texas (Mr. DELAY) is recognized for 4 minutes.

Mr. DELAY. Mr. Chairman, I really appreciate the gentleman from Virginia bringing this because it is amazing to me only the supporters of Shays-Meehan can define what reform is. Anybody else that brings anything to this bill are not supporters of reform. Well, I say that we just think reform is maybe a little bit different than the supporters of Shays-Meehan, and this is a perfect campaign reform bill.

Let us just get rid of all the red herrings that have been put out in this debate. This is not national ID cards. This is not using Social Security numbers to vote. This is not even a poison pill. What this is talking about is that just like if you were getting a driver's license, you have to prove that you are a certain age. You have to bring a birth certificate. You have to prove that you know how to drive to get your driver's license.

For the most important act that Americans can do, the right to vote, you would think that it would be an honor to bring proof of citizenship to the table when you are registering to vote; not every time you vote. When you do go vote you pull out your driver's license or whatever to show that you are indeed the person that you say

you are standing in front of the voting election judge and proving that you are that person.

What is wrong with that? It is very simple. Since enactment of the motor voter law, we have seen an increase in voting fraud across this country, and much of the increase is due to the provisions of the bill that prohibits States from removing registrants who fail to vote or who are unresponsive to voter registration correspondence.

Because of the lack of fraud provisions in the motor voter law, we have the modern world's sloppiest electoral system, according to political scientist Walter Dean Burnham. The year-long investigation of the Dornan-Sanchez House race established 624 documented cases of noncitizens voting, noncitizens voting, in American elections; another 124 voters cast improper absentee ballots; an additional 196 votes may well have been legal but only circumstantial evidence existed.

As of 1994, in Houston County, Alabama, a man who has been dead for 7 years has been recorded as voting regularly by absentee ballot. In Washington, D.C., an astonishing 1 of every 6 registered voters cannot be reached at their address of record. The city has lost 100,000 people since 1980, but registration has shot up to 86 percent of eligible voters from only 58 percent.

Felons, dead people, nonresidents and fictitious registrations clog the rolls in Washington, D.C., where anyone can walk up and vote without even showing an ID. The Miami Herald has found that 105 ballots in last year's undisputed mayoral election was cast by felons. Last month, a local grand jury concluded that absentee ballot fraud clearly played an important part in the recent City of Miami elections. This called into question the legitimacy of the results.

Nine dead San Franciscans in 1997 were recorded as casting votes from beyond the grave in the June 49ers Stadium election, according to an analysis of city voter files and death records.

Everyone supports the right to vote, but an equally important right is the guarantee of elections that are fair and free of fraud. Without the Goodlatte amendment, a growing number of States cannot guarantee the integrity of their results and that inevitably will lead to an increasing cynicism and disenchantment with the process. Let us help end voter fraud in America and adopt the Goodlatte amendment.

Mr. Chairman, I rise in support of the amendment offered by my friend from Virginia, Mr. GOODLATTE. This amendment includes several anti-fraud provisions targeting both illegal registration and illegal voting.

Since enactment of the Motor Voter law, we have seen an increase in vote fraud across the country. Much of the increase is due to the provisions of the bill that prohibits States from removing registrants who fail to vote or who are unresponsive to voter registration correspondence.

Because of the lack of fraud provisions in the Motor Voter law, "We have the modern world's sloppiest electoral systems," according to political scientist Walter Dean Burnham.

The yearlong investigation of the Dornan-Sanchez House race established 624 "documented" cases of non-citizens voting. Another 124 voters cast improper absentee ballots. An additional 196 votes may well have been illegal, but only circumstantial evidence existed.

As of 1994, in Houston County, Alabama, a man who has been dead for seven years has been recorded as voting regularly by absentee ballot.

In Washington, D.C., an astonishing one of every six registered voters can't be reached at their address of record. The city has lost 100,000 people since 1980, but registration has shot up to 86% of eligible voters from only 58%. Felons, dead people, non-residents and fictitious registrations clog the rolls in Washington, where anyone can walk up and vote without showing I.D.

The Miami Herald has found that 105 ballots in last year's disputed mayoral election were cast by felons. Last month a local grand jury concluded: "absentee ballot fraud clearly played an important part in the recent City of Miami elections." This "called into question the legitimacy of the results."

Nine dead San Franciscans in 1997 were recorded as casting votes from beyond the grave in the June 49ers stadium election, according to an analysis of city voter files and death records.

Everyone supports the right to vote, but an equally important right is the guarantee of elections that are fair and free of fraud. Without the Goodlatte amendment, a growing number of states can't guarantee the integrity of their results, and that inevitably will lead to an increasing cynicism and disenchantment with the democratic process.

The Goodlatte amendment will help end voter fraud in America. I urge its adoption.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentleman from Virginia (Mr. GOODLATTE) to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. SHAYS).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. LEVIN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 442, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

□ 2215

The CHAIRMAN pro tempore (Mr. BARR of Georgia). It is now in order to consider the amendment by the gentleman from Mississippi (Mr. WICKER).

AMENDMENT OFFERED BY MR. WICKER TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 13 OFFERED BY MR. SHAYS

Mr. WICKER. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WICKER to the amendment in the nature of a substitute No. 13 offered by Mr. SHAYS:

Add at the end the following new title:

TITLE ____—PHOTO IDENTIFICATION REQUIREMENT FOR VOTERS

SEC. ____01. PERMITTING STATES TO REQUIRE VOTERS TO PRODUCE PHOTOGRAPHIC IDENTIFICATION.

Section 8 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–6) is amended—

(1) by redesignating subsection (j) as subjection (k); and

(2) by inserting after subsection (i) the following new subsection:

The CHAIRMAN. Pursuant to the order of the House of Friday, July 17, 1998, the gentleman from Mississippi (Mr. WICKER) and a Member opposed each will control 20 minutes.

Mr. WICKER. Mr. Chairman, after consultation with the other side, I ask unanimous consent that all debate on this amendment be limited to 10 minutes, 5 minutes per side.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. WICKER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate the opponents of this amendment agreeing to a further limitation on time to speed the debate along. We have already debated, actually, a good bit of this amendment in the previous amendment.

What this amendment amounts to is simply a portion of the amendment offered by the gentleman from Virginia (Mr. GOODLATTE). It is that portion permitting States to require voter I.D. This amendment does not deal with citizenship requirements, it does not deal at all with registration, it simply says that States have a right to determine when someone comes to vote that they are who they say they are and that they may do so by the means of photo I.D.

Mr. Chairman, this is not a mandate on States, which some of my colleagues are very fearful of, but simply permission. It is the essence of Federalism. One of my colleagues from the minority side of the aisle mentioned the issue of States rights. I was delighted to hear her say that just a few moments ago. This is Federalism. This permits States, if they choose to, to require photo I.D.

We have heard a lot of talk during the course of this debate over time about corruption of our political process. I am one, Mr. Chairman, who feels that there is corruption in our political process, but it is not caused by too many commercials being run on TV, it is not caused by too much money being available to buy too many advertisements. The corruption is in voter fraud.

In far too many States and districts there are ineligible people voting. There are people going to the polls saying they are someone and, indeed, it turns out that they are not eligible to vote. Now, none other than the distinguished Professor Larry Sabato, from the University of Virginia, concurs in this feeling. Professor Sabato believes that the enactment of the Federal Motor Voter Law of 1993 will cause an increase in voter fraud. This amendment amends only a small portion of the Motor Voter Law. And, as I said, it takes that portion of the Goodlatte amendment and allows States the right.

We have heard the information provided by the gentleman from Louisiana (Mr. TAUZIN) tonight about the Louisiana election, and the Louisiana legislature in response to the allegations there. They may have thought, we do not know exactly what the facts are, we do not know who was right and who was wrong, but we do want to prevent this in the future. And what was the solution of the Louisiana legislature? It was to permit voter photo I.D. In Florida, the State legislature was so horrified at the 1997 mayoral election that the legislature there enacted photo I.D. The State of Hawaii already has such a requirement on the books.

We are simply saying that other States should feel clear and unrestricted in also pursuing that course and should not feel that the 1993 Motor Voter Law prevents them from doing so. In the United States of America we require a photo I.D. for millions of people to do any number of acts: To cash a check, to board an airplane, or to buy a beer. Why can States not require a photo identification for participating in Federal elections, one of the most solemn acts of citizenship?

Mr. Chairman, I reserve the balance of my time.

Mr. MEEHAN. Mr. Chairman, I yield myself such time as I may consume.

This amendment, like the previous amendment, has nothing to do with campaign finance reform. States already are able to require identification at the polls. They simply cannot discriminate in the way that they apply the information that is required. Under Federal law presently States can require identification at the polls, but with a very important caveat: So long as such a requirement is applied in a way that is uniform and does not discriminate in compliance with the Voting Rights Act.

I would remind the gentleman from Mississippi that this country has a history and a record of discriminating against the rights of people to vote. That is why the Voting Rights Act was adopted in this country. This amendment would overturn and eliminate the protections that are in the Voting Rights Act against discrimination. It has nothing to do with campaign finance reform and would overturn very important protections against discrimination in this country. That is why this amendment is unnecessary.

Once again we have a sponsor of an amendment that does not support campaign finance reform putting up another obstacle towards passing this bill. And as we approach the hour of 10:30, there are still more efforts to water down and try to find a way to put up an impediment to passing campaign finance reform.

Mr. Chairman, I yield the balance of my time to the gentleman from South Carolina (Mr. WATT), a member of the Committee on the Judiciary.

The CHAIRMAN pro tempore. The gentleman from North Carolina (Mr. WATT) is recognized for 3 minutes.

Mr. WATT of North Carolina. Mr. Chairman, they say those are fighting words down there where I come from, when you say somebody is from South Carolina.

Mr. Chairman, I thank the gentleman for yielding me this time.

We were rocking along here, I thought, talking about campaign finance reform, and all of a sudden we took off in a whole different direction. We are talking about reform, yes, maybe, but what do voter I.D.s have to do with campaign finance, what do registration requirements have to do with campaign finance, I am having a little trouble connecting up.

If we are going to talk about these kinds of issues, let us remind ourselves what democracy is all about. It is about allowing people and encouraging people to vote, not putting impediments in the way, not discriminating against citizens, not singling some people out and saying we do not like the way they look so we are going to deprive them of the right to vote by making them produce some kind of arbitrary identification or Social Security number or something.

A couple of years ago the South African folks finally had a democratic election. Do my colleagues think South Africa ever required anybody to register to vote? No. I always wonder, why is it necessary to even have a registration? If we allowed this identification process, and we did it in tandem with abolishing registration, then maybe it would be a good thing. Because people could show up, if they were citizens of the United States, and say I am a citizen, I have not registered, that is arbitrary, let me vote. That would further democracy.

But when we start putting impediments in the way of registration and then putting more impediments in the way of voting after one has registered, then we have to wonder, is this about reform, does it have anything to do with finance, is it even about democracy? And that is what we have got to keep our eye on; to encourage people to participate in our democracy, not put our country behind any other country in the world. When people talk about democracy, they ought to instinctively think about the United States of America. We should not allow them to instinctively think about a new democracy which has had only one election.

Mr. Chairman, we should defeat this amendment and pass the Shays-Meehan bill.

Mr. WICKER. Mr. Chairman, I yield myself the balance of my time, and in that 1 minute I have to close let me point out a couple of things.

My friends on the other side of the aisle say we are talking about campaign finance reform, not voter fraud. I have the title of this bill right here, Mr. Chairman. It is H.R. 2183, the Bipartisan Campaign Integrity Act. The Campaign Integrity Act. I submit to my colleagues that if anything threatens the integrity of our elections in the United States of America, it is campaign fraud.

All this amendment does is, I will quote, "Permitting States to require voters to produce photo identification." And I quote, "A State may require an individual to produce a valid photographic identification before receiving a ballot for voting in an election for Federal office."

Mr. Chairman, this goes to the precious commodity of democracy in the franchise in this Nation. It is a very simple amendment and I move its adoption.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi (Mr. WICKER) to the amendment in the nature of a substitute offered by the gentleman from Connecticut (Mr. SHAYS).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. CAMPBELL. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 442, further proceedings on the amendment offered by the gentleman from Mississippi (Mr. WICKER) will be postponed.

It is now in order to consider the amendment offered by the gentleman from Kansas (Mr. SNOWBARGER).

AMENDMENT OFFERED BY MR. SNOWBARGER TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 13 OFFERED BY MR. SHAYS

Mr. SNOWBARGER. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SNOWBARGER to the amendment in the nature of a substitute No. 13 offered by Mr. SHAYS:

TITLE—ENHANCING ENFORCEMENT OF CAMPAIGN LAW

SEC. .01. ENHANCING ENFORCEMENT OF CAMPAIGN FINANCE LAW.

(a) MANDATORY IMPRISONMENT FOR CRIMINAL CONDUCT.—Section 309(d)(1)(A) of the

Federal Election Campaign Act of 1971 (2 U.S.C. 437g(d)(1)(A)) is amended—

(1) in the first sentence, by striking "shall be fined, or imprisoned for not more than one year, or both" and inserting "shall be imprisoned for not fewer than 1 year and not more than 10 years"; and

(2) by striking the second sentence.

(b) CONCURRENT AUTHORITY OF ATTORNEY GENERAL TO BRING CRIMINAL ACTIONS.—Section 309(d) of such Act (2 U.S.C. 437g(d)) is amended by adding at the end the following new paragraph:

"(4) In addition to the authority to bring cases referred pursuant to subsection (a)(5), the Attorney General may at any time bring a criminal action for a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1986."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to actions brought with respect to elections occurring after January 1999.

The CHAIRMAN. Pursuant to the order of the House of Friday, July 17, 1998, the gentleman from Kansas (Mr. SNOWBARGER) and the gentleman from Connecticut (Mr. SHAYS) each will control 5 minutes.

The Chair recognizes the gentleman from Kansas (Mr. SNOWBARGER).

Mr. SNOWBARGER. Mr. Chairman, I yield myself such time as I may consume.

I rise tonight to offer an amendment to the Shays-Meehan substitute to address a serious problem with our Nation's campaign finance system.

This problem really hit home to me as we were investigating various things in the Committee on Government Reform and Oversight this year. Among the thousands and thousands of documents that were presented to us from the White House was a memo from the Clinton-Gore campaign which indicated in the memo that about $1 million was set aside in the campaign budget to pay fines.

□ 2230

In the margin of that document was the word "ugh" written in the President's handwriting.

It seemed to me at that point in time that one of the problems that we have with our current campaign finance system is the enforcement of that system. If it is merely a matter of making sure that they have enough money in their budget to cover the fines, then obviously the fines are not much of a deterrent to behavior that is possibly illegal.

Far too often Federal regulations have unintended consequences, and our campaign finance system is just one acute example of that. It is complicated. It is difficult to navigate. And in fact, the average first-time candidates have to consult both a lawyer and an accountant before mounting a serious campaign, and this is a serious problem I would like to see changed.

However, I think the biggest problem is that the system is not accountable and we need to make it more transparent and violations of existing law severely punished. My amendment tonight accomplishes one of these important goals by increasing the punishment options available to judges.

The current penalty regime for willful and knowing violations of the Federal Election Campaign Act of 1971 provides for up to 1 year of imprisonment for these types of willful violations. My amendment would simply increase the penalty discretion available to judges to no more than 10 years and no fewer than 1 year. Hopefully, this will allow the judge to take all factors into account. And more importantly, Mr. Chairman, my amendment will force candidates that want to play fast and loose with the rules to think long and hard before they decide to engage in what I would term playing fast and loose.

One other provision of my amendment would allow the Justice Department the option of taking direct jurisdiction and not waiting for a referral from the Federal Election Commission before starting an investigation and a prosecution.

Mr. Chairman, I reserve the balance of my time.

Mr. SHAYS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I oppose this amendment, and I would like to explain why. First, under the present law the fine is $10,000 or 200 percent of the fraudulent contribution; and we increase that to $20,000 or 300 percent in our legislation.

But if I am reading this legislation properly, I think the gentleman from Kansas (Mr. SNOWBARGER) has a mandatory sentence of not less than a year, not fewer than 1 year, and not more than 10. And if the gentleman were willing to eliminate the mandatory sentence and reduce it to 5 years, I think we could find an accommodation. But it is a concern that there would be a mandatory minimum.

Mr. Chairman, I reserve the balance of my time.

Mr. SNOWBARGER. Mr. Chairman, I yield myself such time as I may consume.

Just in brief response, Mr. Chairman, the requirement of a minimum amount of time is, in essence, what the bill is all about. What we are suggesting is that if somebody willfully violates the campaign finance laws, that there ought to be a criminal penalty for this and not just fines.

As I indicated earlier, one of the reasons that fines do not seem to work is that all they need to do is create a larger budget and raise enough money to pay those fines and that is not much of a deterrent to complying with whatever campaign finance law we have in place.

I can appreciate the offer of the gentleman from Connecticut (Mr. SHAYS) and thank him for it, but I think it is the essence. Perhaps the upper limit could be reduced to a lesser amount. But I think the key to this bill is the minimum of one year and to stick with that.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN (Mr. BARR of Georgia). The Chair will inform that the gentleman from Kansas (Mr. SNOWBARGER) has 1½ minutes remaining and has the right to close, and the gentleman from Connecticut (Mr. SHAYS) has 4 minutes remaining.

Mr. SHAYS. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. CAMPBELL) to flesh out a little bit more what the amendment does.

Mr. CAMPBELL. Mr. Chairman, I might be able to support it. I just wanted to ask a couple questions.

As the gentleman knows, we passed the amendment of the gentleman from Michigan (Mr. SMITH) earlier tonight. It is my understanding that his amendment brought the penalty for knowing violations of the foreign contributor provision up to 10 years. And what the Snowbarger amendment does is to amend the more generic part of the campaign finance bill so that all provisions will have an enhanced penalty.

The distinction, though, between the Smith and the Snowbarger amendments, Mr. Chairman, as I see it is that, whereas the gentleman from Michigan (Mr. SMITH) might have allowed a judge to say, well, this is something that perhaps should get less than 1 year, the gentleman mandates that it must be at least 1 year. And if I am correct about that, I would just like to know that.

And secondly, whereas the gentleman from Michigan (Mr. SMITH) did not speak about the question about giving the Attorney General the prosecutorial discretion, the Snowbarger amendment does, and that the Attorney General may proceed if the FEC is deadlocked, whereas otherwise under the Smith amendment it would require a referral by FEC to the Department of Justice.

If I am correct or incorrect in those two major distinctions between the Smith amendment and the Snowbarger amendment, I would appreciate hearing so.

Mr. SNOWBARGER. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL. I yield to the gentleman from Kansas.

Mr. SNOWBARGER. Mr. Chairman, the gentleman is accurate that there is within the discretion of the Department of Justice the ability to take on one of these campaign finance cases without a referral, as the gentleman indicated with the deadlock.

The gentleman is also correct that there is a minimum amount of time that is required. As I indicated to the gentleman from Connecticut (Mr. SHAYS) earlier, if there is a problem with the maximum time period that is allowed in there, I do not mind working with that.

But I think it is important that we have a minimum time period. I think that candidates that are faced with the possibility of jail time are going to be much more cautious.

Mr. CAMPBELL. Mr. Chairman, I believe that the gentleman had already answered the question, but I will just put it in this final form.

I think the gentleman from Michigan (Mr. SMITH) did us a service. I supported his amendment. But it was an important part of my support and perhaps that of others that the trial judge did have discretion to take into account the sentencing guidelines.

I am a bit troubled that the judge's discretion is taken away at least insofar as it must be 1 year. Nobody has any sympathy for an intentional violator of the law. I know that is true of all of us. But I am concerned about taking away the trial judge's discretion where in her or his discretion the appropriate sentence ought to be time in jail but not a full year.

And I would yield the remainder of the time that was yielded to me to the author of the amendment to explain, if he could, why he does not urge upon us in the House tonight to give the trial judge discretion under the sentencing guidelines for that occasional case when it might be just to do so, to have the full panoply of discretion, as we agreed was the case with the gentleman from Michigan (Mr. SMITH).

The CHAIRMAN. The gentleman from Connecticut (Mr. SHAYS) has 1 minute remaining.

Mr. SHAYS. Mr. Chairman, I understand the gentleman from Kansas (Mr. SNOWBARGER) wants to close and he has 1 minute remaining as well; is that correct?

The CHAIRMAN. The gentleman from Kansas (Mr. SNOWBARGER) has 1½ minutes remaining and has the right to close.

Mr. SHAYS. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. CAMPBELL).

Mr. SNOWBARGER. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL. I yield to the gentleman from Kansas.

Mr. SNOWBARGER. Mr. Chairman, we currently have discretion of the judge to grant between zero jail time and 1 year.

I think that the fact that there is a possibility of no jail time still would weaken any campaign finance law that we have to pass. I think it is important that there be a mandatory jail time provided.

Mr. CAMPBELL. Mr. Chairman, reclaiming my time, because the gentleman was going to conclude to say that it probably would be better if we left the discretion of the judge to go from zero to 10, I am not sure it is enough to defeat his amendment but he might want to consider that. I appreciate his answers.

Mr. SHAYS. Mr. Chairman, I yield myself the 30 seconds remaining.

I know what the gentleman is trying to achieve. I think he does achieve it with the sentence potential of zero to 5 years and increased fines. I am just troubled that it would be a mandatory sentence, and would at this time oppose his amendment and vote against it. Obviously, we would love to find an accommodation, but I guess that is not possible.

The CHAIRMAN. The time of the gentleman from Connecticut (Mr. SHAYS) has expired.

The gentleman from Kansas (Mr. SNOWBARGER) is recognized for 1½ minutes.

Mr. SNOWBARGER. Mr. Chairman, again I just want to reiterate, what we are trying to do here is to make sure that there are sufficient penalties in the law to deter people from committing campaign finance law violations.

Thus far, we have put a system of fines in place. Sometimes those are large fines, other times lesser fines that are meted out. But the fact of the matter is the fine system has not stopped the violations of current campaign finance law. There is no reason to believe that fines alone would deter future adherence to the law, whatever that law might change to.

It is exactly for that reason that I think it is important that people understand there are serious consequences, there is jail time that is going to be required, there is serious jail time that is going to be required. And I would ask that my colleagues seriously consider this amendment, which I feel would put tough penalties into whatever version of campaign finance we end up with and, very frankly, would encourage us to pursue this under current law as well.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Kansas (Mr. SNOWBARGER) to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. SHAYS).

The amendment to the amendment in the nature of a substitute was agreed to.

The CHAIRMAN. It is now in order to consider the amendment offered by the gentleman from Kentucky (Mr. WHITFIELD).

AMENDMENT OFFERED BY MR. WHITFIELD TO AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 13 OFFERED BY MR. SHAYS

Mr. WHITFIELD. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WHITFIELD to the amendment in the nature of a substitute No. 13 offered by Mr. SHAYS:

Add at the end the following new title:

TITLE —BAN ON COORDINATED SOFT MONEY ACTIVITIES BY PRESIDENTIAL CANDIDATES

SEC. 01. BAN ON COORDINATION OF SOFT MONEY FOR ISSUE ADVOCACY BY PRESIDENTIAL CANDIDATES RECEIVING PUBLIC FINANCING.

(a) IN GENERAL.—Section 9003 of the Internal Revenue Code of 1986 (26 U.S.C. 9003) is amended by adding at the end the following new subsection:

"(f) BAN ON COORDINATION OF SOFT MONEY FOR ISSUE ADVOCACY.—

"(1) IN GENERAL.—No candidate for election to the office of President or Vice President who is certified to receive amounts from the Presidential Election Campaign Fund under this chapter or chapter 96 may coordinate the expenditure of any funds for issue advocacy with any political party unless the funds are subject to the limitations, prohibitions, and reporting requirements of the Federal Election Campaign Act of 1971.

"(2) ISSUE ADVOCACY DEFINED.—In this section, the term 'issue advocacy' means any activity carried out for the purpose of influencing the consideration or outcome of any Federal legislation or the issuance or outcome of any Federal regulations, or educating individuals about candidates for election for Federal office or any Federal legislation, law, or regulations (without regard to whether the activity is carried out for the purpose of influencing any election for Federal office).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to elections occurring on or after the date of the enactment of this Act.

The CHAIRMAN. Pursuant to the order of the House of July 17, 1998, the gentleman from Kentucky (Mr. WHITFIELD) and a Member opposed each will control 5 minutes.

Which Member will oppose the amendment and be recognized for 5 minutes?

Mr. MEEHAN. Mr. Chairman, I do not have any objection to this amendment. I just wish the sponsor of the amendment will vote for our bill once we accept the amendment so we can get it passed and really have it become law. I do not know if he would change his mind on that.

The CHAIRMAN. Does the gentleman from Massachusetts (Mr. MEEHAN) claim the time in opposition to the amendment?

Mr. MEEHAN. Mr. Chairman, I cannot because I support the amendment.

Mr. SHAYS. Mr. Chairman, I ask unanimous consent that the gentleman from Massachusetts (Mr. MEEHAN) be allowed to claim the time.

The CHAIRMAN. Without objection, the gentleman from Massachusetts (Mr. MEEHAN) claims time.

There was no objection.

Mr. WHITFIELD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate the gentleman for agreeing to accept the amendment. And if that is the case, I would be happy to have it accepted and sit down and listen to someone else talk about their amendment.

Mr. MEEHAN. Mr. Chairman, I yield myself such time as I may consume.

I just want to say that I am delighted to accept this amendment and I hope that the acceptance of this amendment results in us growing in even broader and more bipartisan basis support amongst my colleagues so that we can pass the Shays-Meehan bill.

I think all of us have seen over a period of the last several months support for our bill growing enormously, and I hope that accepting this amendment results in the gentleman supporting our bill and getting many of his colleagues to support the bill.

Mr. Chairman, I yield back the balance of my time.

Mr. WHITFIELD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just make one brief comment. I appreciate the acceptance of this amendment.

My real purpose in introducing this amendment, offering this amendment, was to be sure that in the presidential elections the candidates for President are the only Federal candidates that receive public funds; and initially, when they agree to accept these public funds, they also agree that they will not go out and raise additional money.

In recent presidential elections, that rule has really been violated by both sides. And during the hearings on the campaign finance abuses on the Senate side, Senator THOMPSON of Tennessee, who chaired that committee, pointed out very clearly that in the 1996 campaigns that it was not unusual that the President sat down and coordinated these ads, in fact, added the ads, in fact, decided where the ads of issue advocacy would be placed.

And while the Shays-Meehan bill talks a lot about abolishment of coordination, abolishment of soft money, the fact that the presidential campaigns are included under the Internal Revenue Code, I just want to be very certain that the presidential campaigns were included in this legislation. And that was my purpose in introducing the amendment. I appreciate very much his acceptance of it.

Mr. Chairman, I yield back the balance of my time.

□ 2245

The CHAIRMAN pro tempore (Mr. BARR of Georgia). The question is on the amendment offered by the gentleman from Kentucky (Mr. WHITFIELD) to the amendment in the nature of a substitute No. 13 offered by Mr. SHAYS.

The amendment to the amendment in the nature of a substitute was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider the amendment offered by the gentleman from California (Mr. CALVERT).

AMENDMENT OFFERED BY MR. CALVERT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 13 OFFERED BY MR. SHAYS

Mr. CALVERT. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CALVERT to the amendment in the nature of a substitute No. 13 offered by Mr. SHAYS:

Add at the end the following new title:

TITLE ___—RESTRICTIONS ON NONRESIDENT FUNDRAISING

SEC. ___01. LIMITING AMOUNT OF CONGRESSIONAL CANDIDATE CONTRIBUTIONS FROM INDIVIDUALS NOT RESIDING IN DISTRICT OR STATE INVOLVED.

(a) IN GENERAL.—Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end the following new subsection:

"(i)(1) A candidate for the office of Senator or the office of Representative in, or Delegate or Resident Commissioner to, the Congress may not accept contributions with respect to an election from persons other than local individual residents totaling in excess of the aggregate amount of contributions accepted from local individual residents (as determined on the basis of the information reported under section 304(d)).

"(2) In determining the amount of contributions accepted by a candidate for purposes of this subsection, the amounts of any contributions made by a political committee of a political party shall be allocated as follows:

"(A) 50 percent of such amounts shall be deemed to be a contributions from local individual residents.

"(B) 50 percent of such amounts shall be deemed to be contributions from persons other than local individual residents.

"(3) As used in this subsection, the term 'local individual resident' means—

"(A) with respect to an election for the office of Senator, an individual who resides in the State involved; and

"(B) with respect to an election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress, an individual who resides in the congressional district involved.".

(b) REPORTING REQUIREMENTS.—Section 304 of such Act (2 U.S.C. 434) is amended by adding at the end the following new subsection:

"(d) Each principal campaign committee of a candidate for the Senate or the House of Representatives shall include the following information in the first report filed under subsection (a)(2) which covers the period which begins 19 days before an election and ends 20 days after the election:

"(1) The total contributions received by the committee with respect to the election involved from local individual residents (as defined in section 315(i)(3)), as of the last day of the period covered by the report.

"(2) The total contributions received by the committee with respect to the election involved from all persons, as of the last day of the period covered by the report.".

(c) PENALTY FOR VIOLATION OF LIMITS.—Section 309(d) of such Act (2 U.S.C. 437g(d)) is amended by adding at the end the following new paragraph:

"(4)(A) Any candidate who knowingly and willfully accepts contributions in excess of any limitation provided under section 315(i) shall be fined an amount equal to the greater of 200 percent of the amount accepted in excess of the applicable limitation or (if applicable) the amount provided in paragraph (1)(A).

"(B) Interest shall be assessed against any portion of a fine imposed under subparagraph (A) which remains unpaid after the expiration of the 30-day period which begins on the date the fine is imposed.".

The CHAIRMAN pro tempore. Pursuant to the order of the House of Friday, July 17, 1998, the gentleman from California (Mr. CALVERT) and the gentleman from Connecticut (Mr. SHAYS) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in the 103d Congress I served on the House Republican Campaign Finance Task Force. As a member of that task force, I pressed for language to require that candidates receive half of the campaign funds from people they are seeking to represent. My amendment today would require candidates to adhere to this 50 percent rule.

The public's perception is that elected officials are beholden to the special interests that they believe finance the campaigns. As long as the public has this perception, it is important that every person running for public office restores confidence in our system. By requiring all candidates for office in the House of Representatives and the Senate to raise at least half of their campaign funds from individuals in the districts they represent, my amendment goes a long way toward restoring the people's trust.

The amendment is simple and straightforward. On the first report to the Federal Election Commission after an election, candidates would have to show that they raised a majority of funds for that election from individuals within their own district for House candidates or within the State for senatorial candidates. Money from political parties will be considered 50 percent in-district money and 50 percent out-of-district money. If it is determined that they have not met this requirement, they will be subject to a fine by the FEC of two times the amount of the margin between in-district contributions and the contributions from outside the district. Candidates will have 30 days from that determination to pay the penalty interest-free. If the deadline passes without payment, interest will begin to be assessed.

As Members of Congress, we owe it to our constituents to provide them with the security of knowing they are electing people to Congress to represent them, not special or remote interests.

Mr. Chairman, I urge the passage of this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SHAYS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to this amendment, not because I do not think it is offered in good faith but because I disagree with the general thrust of limiting campaign contributions to a district. I believe the gentleman will face some constitutional hurdles given that it is within district, not within State. The gentleman, in other words, seeks to have 50 percent of all the contributions come within the district. I believe the courts would determine that within district would be a constitutional problem but within a State it would probably not be.

But, further, I seek to share and acknowledge the fact that we ourselves had attempted to do something similar to this in a larger Meehan-Shays proposal and realized that we simply could not build a coalition of support to pass this legislation. It may seem frustrating for some to argue against an amendment based on the fact that we then cannot pass the overall bill, but that is the reality. The fact is that if this amendment were to pass, it would be a very dangerous amendment for the purposes of putting a real dagger in a compromise that is in fact Meehan-Shays.

I also would say to Members that I speak as one on this issue who raises literally 99 percent of my money within district. I am amazed that that is the case, but in fact it is the case. If I were to acknowledge why, it would be that I come from a very wealthy district, if not the wealthiest district in the country, within the top five. If it is not considered the wealthiest, it is that I have the very wealthy but I also have a number of poor who live in Stamford, Norwalk and Bridgeport, my three urban areas. So it is without reluctance that I do oppose this amendment.

I would just acknowledge that for some in Congress, they can raise all the amount of money they need to within their district. I could probably raise all the money I need to if everyone on Round Hill Road in Greenwich contributed to my campaign. That four-mile stretch of road contains a tremendous number of wealthy people. I do not even have to go outside a community. I can focus within a particular town. But there are some Members who live in very, very poor districts. They would be highly vulnerable to a wealthy candidate who has wealth in that district and knows that that opponent not only does not have wealth but has nowhere within that district to raise the kind of sums necessary to compete with that wealthy individual.

I do not criticize the intention of my colleague. I know that they are done in good faith. In fact, the gentleman from Massachusetts (Mr. MEEHAN) and I and others attempted to do the same thing. But then the more we analyzed it, we realized that it was clearly unfair to some Members and to some challengers, not just Members, and furthermore that we would not be able to build the kind of coalition we need to pass meaningful campaign finance reform.

Mr. Chairman, I reserve the balance of my time.

Mr. CALVERT. Mr. Chairman, I yield myself such time as I may consume. I would say to the gentleman from Connecticut, as he knows, I have been in favor of this concept since I first came to Congress almost 6 years ago. I am happy to hear that he raises 99 percent of his campaign contributions within his congressional district. I would daresay that there are some folks here that raise 99 percent of their campaign contributions outside of their congressional district. And so at what level is a fair and reasonable amount to raise within your own congressional district?

I would think that most Americans, and I have seen polling documents as all of us have, that most Americans believe that you should raise at least half of your campaign contributions within your congressional district. The argument that folks in poorer districts would not be able to raise funds, all I would say is that all people who would run in that seat are playing under the same limitations, so that the playing field is leveled.

I think it is important that people back home realize that the people who are elected to Congress at least represent them, if money is important and the reason we are here tonight on campaign finance reform is that we are going back and building the base within our own congressional districts and raising money back home. I think in years past, that was the case. We have gotten away from that. I think that this amendment will go a long ways to bringing back confidence within the system. I would urge my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SHAYS. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Chairman, I thank the gentleman from Connecticut (Mr. SHAYS) for yielding me this time and I thank him for cosponsoring this legislation, the underlying legislation on campaign finance reform.

Mr. Chairman, I have great respect for the gentleman from California (Mr. CALVERT). He and I are cochair of the State society for California. Like him in the bill that I authored, H.R. 600, a comprehensive campaign reform, I really looked at this, because this is one of those issues where it really sounds good. But let me tell the gentleman from California why it is rejected. It is rejected because as he knows under Federal law, you do not have to live in the district to file for candidacy. What happens is that you can take a district that is a poor district under his law, say that 50 percent of the money has to be raised there, and you can shop around. So in a district in the inner city of Los Angeles or in the inner city of any large area where you do not have a large economic base, you look at the candidate who files and you say, well, that candidate is going to have to raise money to get elected. I am going to be a candidate who is going to use my own money. I am rich. I am going to go down there and file for the candidacy in that election. I want it. I can buy that election, because I do not have to raise a dime of money inside the district because I am not going to ask anybody for contributions.

There is the inequity, is that you set up a system which is designed to hurt minorities, because those are the people that often get elected from these inner city districts, and for people that are trying to get started in politics. I cannot think of any of us in this room that did not begin when we decided to get into public life, whether it was at the mayor's level or at city council or school board or county commissioner or even running for county sheriff by which this rule would not apply. You could raise money outside your district for any of those local offices.

But when you began this venture of getting into politics and noted that the average congressional campaign in America cost $600,000, that is a lot of money, and you began to say, "Where am I going to get that money?" You say, "Well, let's go to my family, let's go to my friends that I went to school with, to high school and college with, maybe that I was in the service with." The gentleman from Connecticut (Mr. SHAYS) and I have mentioned before, we were both in the Peace Corps.

So people like that went out, and that is where you began your nest egg of how you are going to run for office. And you are soliciting money from people who know you best, who have actually worked with you, they know you better than anyone because you are just saying, "Based on what you know of me, please help me." Those moneys may not be coming from your district.

I think that this amendment where it sounds good is really kind of a poison pill. I think it is frankly, and I hate to say it this way, but I think it is really un-American. Because it does not apply to people in local office, it does not apply to people in State office, and essentially are we not trying in America to say that we want you to participate in government, we would love to have people running for office, and that we ought to be removing barriers, not creating more?

I think that is why I am so concerned about some of these amendments. I am

concerned about the message that we are giving in this great land of America about what we think democracy is. We are selling it short. We are cheapening it. We are distrusting it. We are saying we do not believe the voters. If you make one false move, you do not have an ID, you do not have a picture, you are elderly, you are locked up in a nursing home, you do not have a driver's license, you do not have any proof of citizenship because maybe you are in States, many States did not file birth certificates earlier than about 1910. So if you were born before that, you would not have any proof of citizenship.

So what we are doing is we are making it more and more difficult, and I think requiring, as I said, it sounds good, 50 percent, but if you are in a district where you do not have a lot of wealth and you as a candidate do not have any wealth or you are new to the business, you are not going to be able to raise funds, and you cannot run for office under this amendment.

Mr. CALVERT. Mr. Chairman, I yield myself such time as I may consume. I would say to the gentleman that how much should the threshold be? If it is not 50 percent, should it be 40 percent? Should it be 30 percent? Should it be 20 percent? There are people who are elected to Congress who raise 95 percent of their money outside of their congressional districts. Is that what American people out there expect from their candidates? I do not think so.

I would point out to the gentleman that there are people who run for public office who are not from an area. The gentleman is correct. You do not have to have residency requirements as a requirement to run for congressional office, many of whom move into a congressional district and raise 95 percent of their money from outside of the district and a local candidate is not given the opportunity to get elected within the congressional district in which they reside, because they do not have the resources.

But I would say if there is a problem with a self-funded rich candidate running for such a seat, and I would say that that is a problem for any of our seats if someone of such wealth decides to run, in that case the party can add funds to the race. I would also accept a perfecting amendment that would waive this rule at a certain threshold of funds, say $100,000 is thrown in by a wealthy candidate.

But I would say that whatever district that a Member of Congress represents, he or she represents, if a wealthy candidate decides to run, you are in trouble under existing campaign law and will continue to be in trouble in the future.

□ 2300

Mr. FARR of California. Mr. Chairman, will the gentleman yield?

Mr. CALVERT. I am happy to yield to the gentleman from California.

Mr. FARR of California. Mr. Chairman, in the H.R. 600 that I drafted, what it said is we put limits on what you could spend, because that was the real problem. In that, we said, if you were a wealthy candidate, you can only spend $50,000 of your own money.

Mr. CALVERT. Reclaiming my time, I understand, under the Constitution that the other gentleman pointed out, that we cannot restrict an individual from spending his or her own money. However, that is one of the reasons why I would accept a perfecting amendment that would waive the rule at a certain threshold and allow for dollars to be raised outside of a district if, in fact, that occurs.

But getting back to the point that I am trying to get at, that people within congressional districts expect their Members to represent their interests within their district. I would say that Members of Congress who raise 95 percent, 90 percent, 80 percent of their dollars outside of the congressional districts that they represent do not represent the districts as well as someone who raises at least 50 percent of their monies from their district.

I would hope that we would pass this amendment. I think the American public would be for it.

Mr. MEEHAN. Mr. Chairman, will the gentleman yield?

Mr. CALVERT. I am happy to yield to the gentleman from Massachusetts.

Mr. MEEHAN. Mr. Chairman, if we pass this amendment, is the gentleman going to support the Shays-Meehan bill?

Mr. CALVERT. I may. I may support the amendment. I do not know what the final bill is going to be after all the amendments are over with.

Mr. MEEHAN. Who does at this point? I am happy to hear that the gentleman has an open mind. Part of the problem is, if we pass the gentleman's amendment, the bill is going to die.

What we are trying to do is send a bill over to the other body that has a bipartisan consensus for both sides of the aisle. That is what we are attempting to do. Going through that process, we were unable to do that with this particular amendment.

I happen to take more than 50 percent of money from people from my district, and over 90 percent of my money is from my home State. But what we are trying to do here is pass a comprehensive, fair campaign finance reform bill. The only way to get that done is to work with Members on both sides of the aisle. This particular amendment will defeat our bill.

Mr. CALVERT. Reclaiming my time, I think that it is important to raise a significant amount of money within our congressional district. I would hope that most Members feel the same way about that. I would hope that that they would vote for this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SHAYS. Mr. Chairman, I yield 4 minutes to the gentleman from Maine (Mr. ALLEN), the freshman leader on campaign finance reform and, frankly, just a leader, be he freshman or seasoned veteran.

Mr. ALLEN. Mr. Chairman, I thank the gentleman for yielding and for his continuing leadership on campaign reform.

I have been the democratic chair of a bipartisan freshman effort on campaign reform for the last year and a half. I point that out because the only way to do campaign reform is on a bipartisan basis.

This amendment, however well-intentioned, is a poison pill. This amendment, if added to the Shays-Meehan bill, will kill campaign reform, will kill the Shays-Meehan bill. That is one reason why it needs to be defeated.

I will talk in a moment about some of my problems with the merits; but just for a moment, let us begin with just how different different districts are around this country.

I think it is fair to say that, if you look at the Senate races around the country, some cost more, and some cost less. For example, it may cost tens of millions of dollars to run a Senate campaign in California. But in my home State of Maine, it may be a $1 million or $2 million proposition. But the basic campaigns are more or less the same: A certain amount of television, a certain amount of get out the vote drive. They look more or less alike, even though they are on the same scale.

The same is not true in the House of Representatives. In the House of Representatives, there are some districts where television is a factor. There are some districts in the House where television is not a factor because you cannot raise the money to run ads in New York or Chicago or Los Angeles in most cases.

The districts across this House are very, very different. Some, like the district of the gentleman from Connecticut (Mr. SHAYS), are wealthy. Some others are very poor. It is not true, in my opinion, as the gentleman from California (Mr. CALVERT) said that everyone is subject to the same limits, and everyone is subject to the same effects if you have this kind of limit.

What this amendment would do is to magnify the effect of wealth, because in a very poor district, the man with deep pockets or the woman with deep pockets has a much greater advantage than he or she would in another district where it is possible to raise money.

That is why I believe that this amendment is bad policy because it magnifies the effect of personal wealth where what we are trying to do is contain that, trying to get control of the amount of money in politics. We are

trying to strengthen the voices of the ordinary citizen. That is what campaign reform is all about. This amendment moves in a different direction.

The fact is, as I said before, we simply cannot pass campaign reform with this kind of amendment tacked on. There are many Members of the minority caucus. There are many Members who come from very poor districts who cannot support the campaign reform bill with this proposal.

One of the things our freshman task force did at the beginning of our process, we said what are the poison pills? Let us identify them. This kind of in-district limit was clearly identified right at the beginning as a poison pill. It will not work. It will kill campaign reform for this session. We cannot let that happen.

Therefore, I urge all Members to vote against the Calvert amendment and make sure that we support the Shays-Meehan bill.

Mr. CALVERT. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. HORN).

Mr. HORN. Mr. Chairman, I have listened with interest to this debate. The gentleman is objecting to 50 percent of the money being raised by all candidates in the district. I guess I would ask the question: "How about 10 percent?" Would the gentleman settle for that? That all candidates at least raise 10 percent of their campaign money in the district? I would just like to ask the gentleman.

Mr. ALLEN. Mr. Chairman, will the gentleman yield to me?

Mr. HORN. For the answer to the question, I yield to the gentleman from Maine.

Mr. ALLEN. Mr. Chairman, I think the proper number, if we could determine one, is different for different districts. I was talking about how varied the districts may be. In some districts, it is now the practice for very large amounts, maybe 70, maybe 80, maybe more percent that money may come from out of district. In some districts, that may be the only way to fund a congressional campaign.

So what is right for that district is not what is right for the district of the gentleman from Connecticut (Mr. SHAYS) or my district or the gentleman from California's district.

When we sit here with a great variety of districts around the country and try to come up with one number, I think we are on a chase that is not going to lead us in a healthy direction. It is not going to get us to pass a campaign reform bill. I think it is a mistake.

Mr. HORN. I have had a situation where my opponent raised only 1 percent of his campaign funds in the district when I had raised 70 to 80 percent.

I have to say: "Where is the connection with the electorate? Do the candidates who raise 1% in the district just go to all the eastern cities? They go into the gentleman's territory and get the funds together $1,000 at a crack. I have seen candidates that go up and down the east coast, just as the easterners come out to Hollywood in the celebrity area, and they secure funds at $1,000 at a crack.

It just seems to me there is a relationship in a democracy between, not only the voters in one's district and the sources who have provided the candidate with his real money? So I am willing to settle for 10 percent being raised in the district. I would prefer 50% or 100%. Ten percent would be a start.

Mr. ALLEN. Mr. Chairman, will the gentleman yield just briefly?

Mr. HORN. Absolutely. I yield to the gentleman from Maine.

Mr. ALLEN. I absolutely agree with the gentleman that there has got to be a connection between the candidate and the district. That is very, very important.

Mr. HORN. We have too many candidates who are under obligation to PACs and to everybody else, none of which have anything to do with some of the districts, certainly mine.

Mr. ALLEN. If the gentleman will yield just briefly, often, PAC money comes from organizations that are based in the district.

Mr. HORN. Usually, they take the PAC money from everywhere, but they cannot get it in terms of the District. I would just say, let us talk about 10 percent. I am willing to start low.

I would just like to see some connection between the candidate and who he or she represents. If they are only going to represent the people in the east that give them $1,000 checks, I do not think they are going to represent a district in the west that provides the votes.

I do not care if it is a quarter or a dollar, the checks I am moved by the most are when I receive $10 from a person who is living on $500 a month from Social Security. I know that $10 hurts that donor. So it just seems to me that candidates should receive money from their district at least to some degree.

Mr. FARR of California. Mr. Chairman, will the gentleman yield?

Mr. HORN. I yield to the gentleman from California for a question.

Mr. FARR of California. What do you do with the individual who is very wealthy and you are in a very poor district?

Mr. HORN. Do you know what I would do with the individual who is very wealthy? I would pass a law that could limit that amount of personal wealth to be spent in a campaign. I think it is a scandal what is going on in America. You are going to have plutocracy take over this chamber.

Mr. FARR of California. Maybe you can make that a perfecting amendment?

Mr. HORN. I will support that kind of an amendment.

Mr. SHAYS. Mr. Chairman, I yield 2 minutes to the distinguished professor from Stanford, the gentleman from California (Mr. CAMPBELL).

□ 2310

Mr. CAMPBELL. Mr. Chairman, I thank my good friend for yielding me time and for referring to me by the best honorific I have ever had, which is professor.

I am in a bit of a bind, Mr. Chairman, because I have "can't vote-can't contribute" as one of the substitutes. I love this so much, I would make it 100 percent. And this dilemma yields to a solution to my good friend, my brother, the gentleman from California (Mr. CALVERT). This will kill Shays-Meehan. That is a fact. You know it, I think. So, vote for mine, because I will not bring mine up if Shays-Meehan passes. If Shays-Meehan passes, I do not bring up the Campbell substitute. But if Shays-Meehan goes down in flames, then, boy, am I on the side of the gentleman from California. Then we can vote "can't vote-can't contribute."

What my proposal does is to say, "Boy, is he right." You ought to get all of your money from your district, from people whom you represent, except you have to make an exception for the constitutional requirement that people can express themselves under the First Amendment, so I have $100 as an exception.

But by putting it on to Shays-Meehan the gentleman from California, surely without this intent, but I nevertheless am convinced with this effect, kills Shays-Meehan. If Shays-Meehan has a chance, let us pass it. If it does not have a chance and it goes down to defeat, you will have the opportunity to vote for exactly this concept. Then, boy, will you hear me in my righteous fervor responding to the arguments that have been presented against the gentleman from California (Mr. CALVERT).

For example, the wealthy person. Well, we Californians told the wealthy person something this last election, did we not, he asks rhetorically. We rejected those who spent their own money attempting to become Governor of our state, attempting to become Senator representing our state. And the argument that it is unfair misses the fact that it is sauce for the goose and it is sauce for the gander.

Your district is where you ought to raise your money from, but, please, do not hurt Shays-Meehan's chances of passage. You know it will peel off votes, you know it will cause the bill to be unacceptable to so many.

So I give you a reasonable alternative. I wish you would take it. Vote for my bill if it comes up, but do not destroy Shays-Meehan.

Mr. SHAYS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would say my head is spinning. The professor from California got very animated when he

talked about this amendment, but he called it like it is. He loves certain aspects of this amendment, but he does know that it would cause tremendous harm to a coalition of Members who all had to give up certain things that they wanted for a common good, and that was to ban soft money, the unlimited sums that individuals, corporations, labor unions and other interest groups give to the political parties, that then get funneled right back to the candidate and make a mockery of our campaign laws.

We came to a compromise so we could recognize sham issue ads for what they truly are, campaign ads, and that means when it is a campaign ad, you follow the campaign rules. It means you cannot use corporate money, it means you cannot use labor dues. It meanings you have to disclose.

We codified the Supreme Court decision on Beck, which said that if a member of a union seeks to leave the union, that they do not have to have their agency fee which they are required by law to provide, that it should not include, if they choose not to, to have their agency fee include a political payment. Therefore, they pay a little less than the union dues.

We improve FEC disclosure and enforcement significantly, because we sought to come to a common ground between Republicans and Democrats, those who want campaign finance reform.

We seek to ban the franked mail, the district-wide mailing six months to an election. We did this through compromise. One of the things that did not survive the compromise was the very amendment that the gentleman is proposing.

We did this by compromise. We banned the raising of any foreign money and any fund-raising on government property. Now, it is not illegal to raise soft money from a foreigner, if they are not a citizen, because soft money is not viewed as campaign money. Therefore, it does not come under the statute.

Some could argue, and I am one, and we could have a disagreement, that raising soft money on government property, since it is not campaign money, does not come under the penalty. I realize others might disagree. But the bottom line is we came to a compromise in order to do these very significant things, and one of the things that did not make the compromise was the amendment suggested by my colleague, the gentleman from California.

So, we do need to defeat this amendment. I know that it has been offered in tremendous sincerity. I get down on bended knee and hope and pray that it is defeated, because it truly will blow apart a coalition of people who have sought to do something meaningful with campaign finance reform, and that is to restore integrity to the political process and to end the obscene amounts of money that we see in soft money, and to require those sham issues ads to be what they are, campaign issue ads.

Mr. Chairman, I yield back the balance of my time.

Mr. CALVERT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would say to my dear friend from California, I like his idea raising 100 percent of the money within the district. I recognize that that is probably not realistic, and so I believe that half of the money should be raised within the Congressional districts that Members represent.

We heard earlier that maybe not even 10 percent is an acceptable number. Well, what is an acceptable number? We know that there are people who run for Congress that 99 percent of their money is raised outside of their district. I do not think the American public agrees to that. As the gentleman from Connecticut knows, I came here six years ago almost and have been talking about this 50 percent provision since I came here to Congress.

I think most Americans believe that you should raise at least 50 percent of the money within your Congressional District. I do not think it is outrageous. I do not think there is anything wrong with this.

As far as a wealthy candidate running in a Congressional district, I would say that any of us would have a problem if we were running against a very wealthy candidate, any of us. But, saying that, I would accept a perfecting amendment that would waive the rule if a wealthy candidate gets involved in a campaign and spends, say, $100,000, to take care of that problem. I recognize that.

But what we are talking about here is 50 percent of the money within the district. I think it is reasonable. I think most people would expect folks to come back and raise money. It is difficult. None of us like going to all the fund raisers we need to go to back home, getting back home and putting together these events. It is a lot easier having an event here in Washington, D.C., or somewhere elsewhere where you can raise a significant amount of money. But this is, I think, an important responsibility.

I would hope that all Members would accept this amendment. I think it is the right thing to do.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. BARR of Georgia). The question is on the amendment offered by the gentleman from California (Mr. CALVERT).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. CALVERT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 442, further proceedings on the amendment offered by the gentleman from California (Mr. CALVERT) will be postponed.

Mr. SHAYS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CALVERT) having assumed the chair, Mr. BARR of Georgia, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2183) to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes, had come to no resolution thereon.

MODIFICATION TO ORDER OF THE HOUSE OF FRIDAY, JULY 17, 1998, REGARDING FURTHER CONSIDERATION OF H.R. 2183, BIPARTISAN CAMPAIGN INTEGRITY ACT OF 1997

Mrs. LINDA SMITH of Washington. Mr. Speaker, I ask unanimous consent to go out of order, notwithstanding the order of the House agreed to on Friday last, and combine amendments listed as 40 to 45 into one, and make it as the next thing in order after the Calvert amendment, and that debate be limited to five minutes for and five minutes against the amendment.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Washington?

There was no objection.

□ 2320

BIPARTISAN CAMPAIGN INTEGRITY ACT OF 1997

The SPEAKER pro tempore (Mr. CALVERT). Pursuant to House Resolution 442 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2183.

□ 2321

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2183) to amend the Federal Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes, with Mr. BARR of Georgia (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole House rose earlier today, the request for a recorded vote on the amendment by the gentleman from California (Mr. CALVERT) had been postponed.

Under the previous order of today, it is now in order to consider the amendment by the gentlewoman from Washington (Mrs. LINDA SMITH).

AMENDMENT OFFERED BY MRS. LINDA SMITH OF WASHINGTON TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 13 OFFERED BY MR. SHAYS OF CONNECTICUT

Mrs. LINDA SMITH of Washington. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mrs. LINDA SMITH of Washington to the Amendment No. 13 in the nature of a substitute offered by Mr. SHAYS of Connecticut:

In Section 301(20) of the Federal Election Campaign Act of 1971, as added by section 201(a) of the substitute, strike subparagraph (b) and add the following:

"(B) Voting Record and Voting Guide Exception—The term "express advocacy" does not include a communication which is in printed form or posted on the Internet that—

"(i) presents information solely about the voting record or position on a campaign issue of 1 or more candidates, provided however, that the sponsor of the voting record or voting guide may state its agreement or disagreement with the record or position of the candidate and further provided that the voting record or voting guide when taken as a whole does not express unmistakable and unambiguous support for or opposition to 1 or more clearly identified candidates,

"(ii) is not made in coordination with a candidate, political party, or agent of the candidate or party, or a candidate's agent or a person who is coordinating with a candidate or a candidate's agent; provided that nothing herein shall prevent the sponsor of the voting guide from directing questions in writing to candidates about their position on issues for purposes of preparing a voter guide, and the candidate from responding in writing to such questions, and

"(iii) does not contain a phrase such as 'vote for,' 're-elect,' 'support,' 'cast your ballot for,' '(name of candidate) for Congress,' '(name of candidate) in 1997,' 'vote against,' 'defeat,' or 'reject,' or a campaign slogan or words that in context can have no reasonable meaning other than to urge the election or defeat of 1 or more clearly identified candidates."

In Section 301(8) of the Federal Election Campaign Act of 1971, as added by section 205(a)(1)(B) of the substitute, strike paragraph (D) and insert

"(D) For purposes of subparagraph (C), the term "professional services" means polling, media advice, fundraising, campaign research or direct mail (except for mailhouse services solely for the distribution of voter guides as defined in section 431(20)B)) services in support of a candidate's pursuit of nomination for election, or election, to Federal office."

In Section 301(8)(C)(v) of the Federal Election Campaign Act of 1971, as added by section 205(a)(1)(B) of the substitute, add at the end thereof,

", provided however that such discussions shall not include a lobbying contact under the Lobbying Disclosure Act of 1995 in the case of a candidate holding Federal office or consisting of similar lobbying activity in the case of a candidate holding State or elective office."

Mrs. LINDA SMITH of Washington (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Washington?

Mr. MEEHAN. Mr. Chairman, reserving the right to object, I just want to say that I am happy that the gentlewoman has agreed to work with us. I think that her amendment makes some important clarifications to the voter guide and safe harbor provisions in the bill. I know that I have worked with the gentlewoman, as the gentleman from Connecticut (Mr. SHAYS) has, for some time on campaign finance reform, and this is a good opportunity to take a number of the amendments, and as the gentlewoman knows, we have many, many amendments left to go in order to get the Shays-Meehan legislation passed.

So I thank the gentlewoman for her cooperation. Both sides of the aisle have looked at this. I think it is a good amendment.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Washington?

There was no objection.

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentlewoman from Washington (Mrs. LINDA SMITH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Washington (Mrs. LINDA SMITH).

Mrs. LINDA SMITH of Washington. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this actually is a group of amendments, all dealing with grassroots organizations' concerns. From liberal groups to conservative groups, they have been very, very concerned about their voter guides.

To begin with, it starts with clarifying some things that were never intended in the bill anyway. There was never an intention to restrict voter guides or individual grassroots lobbying, and yet some felt that this bill went across the line. To begin with, they wanted to be able to say, even if one guy is running, we want to be able to put out a record on him. We believe we should be able to do that.

So they have graciously said, sure enough, that makes some sense, and so we will allow one. The original said there had to be two or more candidates to be able to put out a voter guide, so this is a step in the right direction.

The second thing that is very much a concern of the groups is that they cannot explain why they were for or against an issue. Now, the makers of the bill felt that they had taken care of this, but many groups did not. So this simply clarifies that they not only are able to, but it clarifies that they can explain their positions and cleans up that problem.

Another issue that they were concerned about is that possibly collecting information to build score cards might be considered coordination. These amendments make it clear that that is not the case.

There are some other things that were of concern of the groups, and they were worried that their grassroots lobbyists could be in trouble, that this could be a problem if they were lobbying elected officials on issues, and that that could qualify as coordination. This language says no, that was not meant to be considered as coordination, so it cleans that up, and so there is no problem with the grassroots groups lobbying now.

Then there was a section that was a little more difficult, that has a purpose, a very important purpose, and that is where one finds that there are coordinated efforts of groups, vendors, and actually it comes out in kind of ugly things. One finds TV ads and radio ads and all kinds of things happening, and it is supposed to be independent but it clearly is coordinated.

What this does is clarify that and makes it very clear that it is not meant to deal with voter guides; that we are making it real clear that voter guides are not a part of the problem, and so again, we have made it very clear in this amendment that we are not aiming at them and definitely not even trying to get close to them.

So with that, this clears up a lot of the problems with the voter guides; it clears up a lot of the problems that the grassroots groups had with being able to lobby and being restricted from their lobbying and goes a long ways, I would think, to alleviating some of their fears.

Mr. Chairman, I reserve the balance of my time.

Mr. SHAYS. Mr. Chairman, I ask unanimous consent to claim the 5 minutes in opposition to the amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Connecticut (Mr. SHAYS) is recognized for 5 minutes.

Mr. SHAYS. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. MEEHAN).

Mr. MEEHAN. Mr. Chairman, I thank the gentleman for yielding me the time. I do not think I need a minute, but paragraph small "i" at the end where it says, "candidates," I believe that there is a printing error and after the comma, it should be "and," as we go to each of the paragraphs.

Mrs. LINDA SMITH of Washington. Mr. Chairman, will the gentleman yield?

Mr. MEEHAN. I yield to the gentlewoman from Washington.

Mrs. LINDA SMITH of Washington. Mr. Chairman, if the gentleman would clarify which paragraph he is in.

□ 2330

Mr. MEEHAN. Small "i" at the end of that paragraph, I believe it should say "and."

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield?

Mr. MEEHAN. I yield to the gentleman from California.

Mr. CAMPBELL. The word "and" appears after the second little "i." So we have a comma, "and." Under normal rules of construction, that is a conjunction not a disjunctive. So, I do not believe the gentleman's point is necessary. Of course, it would do no harm to add the word "and." But we have a comma after little i, comma "and" after a little ii.

Mr. SHAYS. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I do so to recognize the contribution of the gentlewoman from Washington (Mrs. LINDA SMITH). The bottom line is that she has offered six amendments to deal with voter guides and advocacy because she is sincerely concerned that groups would be denied the opportunity to provide these voter guides.

Each of her amendments had some element of merit and in some cases we could have accepted the amendment in whole. But she has combined these six amendments and I think has dealt sincerely with the concerns that various groups have.

The bottom line is she has tried to perfect this legislation and made a tremendous contribution and I really appreciate the contribution of the gentlewoman to improve this bill and make it clear what the intention is of the supporters of this legislation. I am very grateful for her contribution.

Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. CAMPBELL). I do not know if I want to call him "professor," but I will call him "gentleman."

Mr. CAMPBELL. Mr. Chairman, I thank the gentleman from Connecticut (Mr. SHAYS), my friend, for yielding me this time.

Mr. Chairman, I join him in applauding the gentlewoman from Washington (Mrs. LINDA SMITH). From the first day that I met her, her concern was campaign finance reform and it continues to manifest itself in work such as this amendment.

In reading it, I would clarify the following points that I think are in its favor: The phrase is now that in order to qualify, the commentary on a candidate's voting record can appear just by itself. They do not have to have another candidate. And it is all right, so long as it falls short of expressing unmistakable and unambiguous support for or opposition to that candidate.

And I emphasize that, because in our earlier debate on the amendment offered by the gentleman from California (Mr. DOOLITTLE), our colleague and friend, the question arose as to whether a voter advocacy group could say here is the position of candidates and we happen to agree with this position. And whether under the unamended version of Shays-Meehan that would have been acceptable was the point that was contested.

I do not believe that it is in doubt anymore if this amendment is accepted. That if it purely communicates accurate information as to the position of a candidate and falls short of saying "and for this reason vote for the person" or "for this reason we overwhelmingly support," in other words, if it falls short of unmistakable and unambiguous support, then it is indeed what it purports to be, a voter guide.

Mr. Chairman, I also note that the amendment offered by the gentlewoman from Washington is preferable to the one offered by our colleague from California in that it preserves the prohibition on coordination. If the organization in question has coordinated the entire voter guide with a plan to assist a candidate, then it is not a voter guide. It is a sham. The gentlewoman preserves that.

Lastly, she repeats the so-called magic words test, which is the starting point, but for many of us it is not sufficient to handle the area of potential abuse.

So with those observations, I am pleased to add my voice to those of the unanimous membership who is speaking on this bill in favor of the amendment offered by the gentlewoman from Washington.

Mrs. LINDA SMITH of Washington. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Chairman, first of all I want to say that this is an issue that I struggled with in our bill. I compliment the gentlewoman. I think this is a great improvement on existing law, because it clearly separates what is express advocacy.

Express advocacy under this definition is any time one gets out and says this is the record of a candidate and this record is evil, do not vote for this person. Or this is the record of an angel, please vote for this person. That is express advocacy. That will trigger that the people who publish such things will have to disclose where their money came from. It would have to be hard money.

That is the kind of thing that we have been saying that we need to do. If we just say this is a voter guide, we do not agree with it. But you cannot say therefore vote against this person. That would be an example, because one does not advocate a position, as the gentleman from California (Mr. CAMPBELL) said in the gentlewoman's words, of unmistakable or unambiguous support for or in opposition to one or more candidates. So you clearly have drawn a line between what has been the problem, which is these kind of hit pieces that have come out that the candidate knows nothing about, even the opposition knows nothing about because they are independent of either, and have been expressing sort of evil actions based on a record. I think that you are commended because this makes a clear distinction

Mr. SHAYS. Mr. Chairman, may I inquire as to how much time I have remaining?

The CHAIRMAN pro tempore. The gentleman from Connecticut has one minute remaining.

Mr. SHAYS. Mr. Chairman, I yield myself such time as I may consume.

I would just quickly say that the gentlewoman from Washington (Mrs. LINDA SMITH), and using the word "gentle" is sometimes a misnomer because she is extraordinarily strong, again has made a wonderful contribution to this process and has been a leader in campaign finance reform throughout the country. I thank her again for her contribution and would again yield my time to her to allow her to close.

Mrs. LINDA SMITH of Washington. Mr. Chairman, I yield myself such time as I may consume.

I thank the gentleman from Connecticut for his comments.

This particular area of campaign finance reform probably has had more objections, more confusion, than anything I have seen in my nearly 4 years in Congress. I do not think that this agreement or this amendment is going to make everyone happy but those that used to say we cannot even advocate our position of what we think is right in the voter guide, to them this is taking care of it. To those that do not want people to have any speech about what they think is a good position from their perspective, a group, to them they are not going to necessarily like it either.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentlewoman from Washington (Mrs. LINDA SMITH), to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. SHAYS).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it have it.

Mrs. LINDA SMITH of Washington. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore (Mr. CALVERT). Pursuant to House Resolution 442, further proceedings on the amendment offered by the gentlewoman from Washington will be postponed.

Mr. DOOLITTLE. Mr. Chairman, during the course of debate on campaign reform, I have

repeatedly voiced concern that the Shays-Meehan legislation, if enacted would threaten citizen participation in our democratic system.

Numerous provisions in Shays-Meehan restrict the right of the people to express their opinions about elected officials and issues through unprecedented limitations on text accompanying issue group voting records and restraints on citizen commentary prior to an election.

Why would any group of citizens distribute a voting guide or scorecard on a candidate when the Federal Election Commission (FEC) would be empowered to decide, after the distribution of the scorecard, whether it was written in an "educational" manner?

Why would a citizen's activist organization issue a "voter alert" to its supporters warning them to an upcoming vote in Congress, when they could be potentially fined for violating the burdensome "coordination" section of the bill?

Why would a group of citizens concerned about an issue like partial birth abortion or affirmative action run a television advertisement to try to influence the way their Member of Congress votes, when they could be fined for violating new free speech restrictions that are contained in the bill?

The Shays-Meehan bill contains a provision that prohibits non-citizens from contributing to campaigns. When you combine that provision with the amendment offered by Representative PICKERING, I believe political contributions by minorities would become suspect.

As a stand alone, the Shays-Meehan bill is patently unconstitutional on its face. It violates the First Amendment rights of all Americans. But it would be a mistake to compound those constitutional errors by somehow making suspect political contributions by Americans with non-western names. With these two amendments adopted, the threat to minority participation in our election process would compound the threat to freedom by the bill.

Mr. SHAYS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. CALVERT) having assumed the chair, Mr. BARR of Georgia, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2183) to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes, had come to no resolution thereon.

CORRECTION OF CONGRESSIONAL RECORD OF JULY 16, 1998, PAGES 5719, 5720 AND 5721, DURING DEBATE ON H.R. 4104, TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1999

AMENDMENT OFFERED BY MR. SMITH OF NEW JERSEY

Mr. SMITH of New Jersey. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of New Jersey:

Add at the end of the bill:

Notwithstanding any provision of this Act, no funds in this Act may be used to require any contract to include a term for coverage of abortifacients.

Mr. OBEY. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Wisconsin (Mr. OBEY) reserves a point of order.

Mr. SMITH of New Jersey. Mr. Chairman, due to the lateness of the hour, I do not intend on taking the full 5 minutes.

Let me make it very clear that part of the problem with the Lowey amendment was that it did not define contraception. Many of us have been concerned that the pro-abortion lobby and the pro-abortion organizations over the years have tried to fudge the line of demarcation between fertilization post- and pre-fertilization. Many of the chemicals, many of the devices that are now employed that are permitted under the Federal Employees Health Benefits Program do indeed result in many abortions, newly created human lives that are not permitted to implant in their mother's womb.

In a nutshell, my amendment is designed to clarify that if we are indeed going to force all of the Federal providers of medical care, the HMOs and all the providers as a condition of receiving reimbursement for all of their prescriptions, whether it be for penicillin or any other drug, that they have, to provide "a provision for contraceptive coverage", let us at least make it clear that the gentlelady's language excludes abortion-inducing chemicals. That is what my amendment very simply seeks to do.

Earlier in the day we pointed out during the debate, that while RU–486 isn't legal and, hopefully, never will be there are officials of Planned Parenthood who are already talking about it as a morning after pill. RU–486 is baby pesticide and destroys life, the newly created life, somewhere along the line up to the 7th week. This is a Federal funding of early abortion but many Members of Congress remain uninformed of that fact. I say with regret, that some abortifacients like IUDs can be provided by the health care providers under the Federal Employees Health Benefits Program. The question is should they be forced to. This says no one is going to be forced to do it. It is a conscience type amendment. Still the plain language of Mrs. LOWEY'S amendment only stipulates "a provision for contraceptive coverage"—a much, much, weaker version than the amendment she offered in her Appropriations Committee. Clearly, under her amendment, if a plan merely provided condoms or birth control pills, that would satisfy the obligation created by the amendment.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, can the gentleman clarify for me and for others, when he says to include "a term for coverage," what does that phrase mean?

Mr. SMITH of New Jersey. I thank the gentleman for asking the question. It says very simply that a health care plan would not have to include those devices and chemicals that may have the effect of an abortifacient. Under my amendment it will not be mandatory. it will not be forced upon the HMOs and upon the health care providers even though the language of Mrs. LOWEY's amendment requires only "a provision for contraceptive coverage" to satisfy the requirement.

Mr. HOYER. Am I correct then that the amendment means, "a term for coverage" would mean the term that refers to the abortifacients?

Mr. SMITH of New Jersey. If I understand the gentleman's question that is correct.

Mr. HOYER. I thank the gentleman for his clarification.

The CHAIRMAN. Does the gentleman from Wisconsin (Mr. OBEY) insist on his point of order?

Mr. OBEY. Mr. Chairman, I withdraw the point of order.

Mrs. LOWEY. Mr. Chairman, I move to strike the last word, and I rise to engage the gentleman from New Jersey in a colloquy.

I would like to ask the gentleman to define further his amendment. Based upon the information that we have, the FDA has approved five methods of contraception. This is the established definition of contraception. It has nothing to do with RU–486 although, unfortunately, there were some letters sent out saying it did. RU–486 is not included among the five methods of contraception. It has nothing to do with abortion. There have been debates that have been going on among us, in the country, about when does life begin.

This takes some serious discussion, and I am sure that we can have some serious debates about this issue, but today what we are talking about very simply is the five established methods of contraception that have been improved by the FDA, nothing to do with abortion, nothing to do with RU–486.

Mr. SMITH of New Jersey. If the gentlewoman would yield, let me just ask the gentlewoman, because this will help me in responding, her definition of contraception. Is it before fertilization occurs or is it before implantation in the uterus?

Mrs. LOWEY. I am sorry. Will the gentleman repeat?

Mr. SMITH of New Jersey. Part of the problem we have with the gentlewoman's first amendment, as well as the amendment that was offered and just passed, is a definitional one. How do you define contraception? How do define pregnancy?

For some, it is implantation. For some, it is fertilization.

Mrs. LOWEY. Reclaiming my time.

Mr. SMITH of New Jersey. Contraception by definition should mean before a new life has come into being. There are many who want to blur that line and say that chemicals affect the implementation or even after that.

Mrs. LOWEY. If I may reclaim my time, could the gentleman explain whether this includes the pill?

Mr. SMITH of New Jersey. This will have to be determined. There is a body of evidence suggesting that IUDs, for example, may have the impact, and many women are unaware of this, may have the impact of preventing implantation.

What my amendment says, that is still permissible under Federal Employees Health Benefit Program but not mandated.

Mrs. LOWEY. Reclaiming my time, if I might ask the gentleman, I believe in response to my question as to whether the pill would be included, since the pill is one of the five methods of approving contraception from the FDA, you seem to be questioning this and I would ask the gentleman, if you are not sure whether the pill is an established method of contraception, what would the plans determine?

Mr. SMITH of New Jersey. Let me just respond that there are several schools of thought as to what the operation is as to what actually occurs.

Mrs. LOWEY. Reclaiming my time, would the gentleman consider the IUD a form of contraception? This is an approved method of contraception. Or would you consider the IUD as abortifacient?

Mr. SMITH of New Jersey. Let me make it very clear there has to be a determination made, and maybe it is about time, with all of the resources at our disposal, we really came to a firm conclusion as to how some of these chemicals and how the IUD actually works, because, again, even Planned Parenthood and others will say on their web page that one of the consequences of the IUD may indeed be preventative of implantation .

Mrs. LOWEY. Reclaiming my time, does the gentleman include the diaphragm as a form of contraception?

Mr. SMITH of New Jersey. No. As far as I know, that has never been an abortifacient.

Mrs. LOWEY. I seems to me the gentleman has questions about the pill, questions about the diaphragm, questions abut the IUD, and I assume the gentleman has questions about Depo—Provera and Norplant.

Let me say this, there are five established methods of contraception. If the gentleman supports the amendment to not cover abortion, then you are saying that contraception cannot be covered; no method of contraception can be covered.

□ 2115

Mr. SMITH of New Jersey. Not at all. Right now the HMOs, and all of the health care providers under the Federal Employees Health Benefits program, if they choose, can provide any of those methods that you mentioned, from IUDs to Depo-Provera. What your amendment, or what the thrust of your original amendment was to force them to do it.

Mrs. LOWEY. Reclaiming my time, I just want to make it clear to my colleague that the gentleman from New Jersey, it appears to me from your statement, is trying to make every method of contraception an abortifacient; is that correct?

Mr. SMITH of New Jersey. Not at all, and that is putting words in my mouth, and I think that is unfortunate.

The CHAIRMAN. The time of the gentlewoman from New York (Mrs. LOWEY) has expired.

(By unanimous consent, Mrs. LOWEY was allowed to proceed for 2 additional minutes.)

Mrs. LOWEY. Mr. Chairman, if I can make it clear, I think it is very important, my colleagues, that we realize what the gentleman is attempting to achieve with this amendment. He is stating that there is no form of contraception that may not be considered an abortifacient and, therefore, the American women have to understand——

Mr. SMITH of New Jersey. If the gentlewoman will yield, I did not say that at all.

Mrs. LOWEY. No, I will not yield. I will not yield. That the American people who are listening to this debate have to understand that this Congress wants to tell women that all forms of contraception are abortifacients and they cannot be considered.

I would like to make that point again. The majority of American women do support the use of contraceptives. These are very personal decisions, we understand that, and each person has to make it for themselves. But the majority of American women understands that.

Now, it seems to me from this discussion, that the gentleman from New Jersey is saying to every woman who may take a birth control pill or use another one of the five accepted methods of contraception that they are abortionists.

Mr. SMITH of New Jersey. Not at all.

Mrs. LOWEY. I think it is important to clarify what we are talking about because the FDA has approved five methods of contraception.

Mr. BARTON of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to rise in support of the amendment of the gentleman from New Jersey.

Mr. SMITH of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from New Jersey to explain his amendment and to answer any questions he may have.

Mr. SMITH of New Jersey. Mr. Chairman, I want to make it clear to my colleagues that birth control pills and diaphragms are not abortifacients. IUDs and post-coital pills have the capability of that. That is where there has been very little conversation, especially with women, as to what might be happening when they think they are preventing fertilization when, indeed, implantation is what is being prevented.

Mr. COBURN. Mr. Chairman, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, I understand that there is confusion about this issue, and if I may, from my experience, please lend some of that to our body, one; and, number two, also relay that I had a conversation with the gentlewoman from New York, and I do understand what her intention is and I do understand the intention of the gentleman from New Jersey (Mr. SMITH). She has an honorable request. She won that in her committee, and it should be honored in that way.

But let me clarify for this body that, in fact, the diaphragm is not an abortifacient; that oral contraceptives are not an abortifacient; that morning-after pills, in fact, are; that IUDs are, in fact, abortifacients.

Now, there is not a medical question about how they work, and there is not a medical question about how oral contraceptives work. Their intention is to prevent ovulation or to prevent penetration of a sperm. That is not an abortifacient. And there is no question in the medical community about how they work.

So I would ask this body that if, in fact, we feel we want to make a decision based on what the request of the gentlewoman from New York really is, that we supply oral contraceptives to women in this country, that we accept the Smith amendment to that, and we can qualify and solve this problem and this will go through. If, in fact, not, then we will see we will have an extended debate on whether or not the bill will make it.

An honorable amendment was brought forth in the committee. An honorable amendment to the gentlewoman's amendment is now offered. The clarity cannot be any clearer than what I have stated. The Smith amendment does not limit oral contraceptives, it only limits those things that are considered abortifacients.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I oppose this amendment, and I think that Members have to be very sensitive to what my colleague from New Jersey is attempting to do here today.

Is there no limit to my colleague's willingness to impose his concept of when life begins on others? Conception is a process. Fertilization of the egg is part of that process. But if that fertilized egg does not get implanted, it does not grow. And so on throughout the course of pregnancy.

For those who do not believe that life begins upon fertilization, but believes, in fact, that that fertilized egg has to be implanted, the gentleman is imposing his judgment as to when life begins on that person and, in so doing, denying them what might be the safest means of contraception available to them.

Some women cannot take the pill. It is too disruptive to them. Some women depend on intrauterine devices and other such contracptives. When we get to the point where we have the courage to do more research in contraception, we will have many other options to offer women so that they can have safe contraception.

For us to make the decision that that woman must choose a means of contraception that reflects any one individual's determination as to when in that process of conception life actually begins is a level of intrusion into conscience, into independence, into freedom that, frankly, I have never witnessed. Even the issue of being for or against abortion is a different issue than we debate here tonight. We have never, ever intruded to this depth.

When I talk to my friends who are obstetricians, because all my colleagues know my husband is a retired obstetrician, how the pills work is not simple. In some women they have one effect, and they may have first effects and secondary effects. They prevent ovulation in general but not absolutely. And if there is a fertilization while on the pill, the pill prevents implantation.

So this is a complex process. And for us to imagine here tonight that it is either right or proper or possible for the gentleman to impose his determination on others at this level is extraordinary. As a Republican who believes that government should stay out of our lives, I oppose this amendment with everything in me. And I would ask my colleagues, those who are pro life—and I honor that position. And I would say that the pro-life members of our Nation have changed the issue of abortion over these years. People take it far more seriously. It is not as casual. They have made an enormous difference for the good in our Nation. But that does not make it right for them to step, then, into this level and try to make definitions that, frankly, are not nearly so simple as my friend and respected colleague, the gentleman from Oklahoma (Mr. COBURN), implies.

The lines are not clear. They are not simple. I would ask my colleague to respect that we are a Nation founded on the belief that we should have freedom of conscience and freedom of religion, and this amendment deeply, deeply compromises those liberties.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. BARR of Georgia). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BILIRAKIS (at the request of Mr. ARMEY) for today on account of illness.

Mr. RIGGS (at the request of Mr. ARMEY) for Friday, July 17 and today, on account of family reasons.

Mr. THOMPSON (at the request of Mr. GEPHARDT) for today, on account of official business in the district.

Mr. UNDERWOOD (at the request of Mr. GEPHARDT) for today and tomorrow until 12 noon, on account of official business in the district.

Mr. JEFFERSON (at the request of Mr. GEPHARDT) for today, on account of official business in the district.

Mr. MCNULTY (at the request of Mr. GEPHARDT) for July 21 and 22, on account of a death in the family.

Ms. MILLENDER-MCDONALD (at the request of Mr. GEPHARDT) for today, on account of official business.

Mr. ORTIZ (at the request of Mr. GEPHARDT) for today and tomorrow until 12 noon, on account of official business.

Mr. FORD (at the request of Mr. GEPHARDT) for today, on account of personal business.

Mr. YATES (at the request of Mr. GEPHARDT) for today after 7:30 p.m., on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MEEHAN) to revise and extend their remarks and include extraneous material:)

Mr. FILNER, for 5 minutes today.

Mr. CONYERS, for 5 minutes today.

Mr. POMEROY, for 5 minutes today.

Ms. JACKSON-LEE of Texas, for 5 minutes today.

(The following Members (at the request of Mr. CALVERT) to revise and extend their remarks and include extraneous material:)

Mr. RAMSTAD, for 5 minutes today.

Mr. FOX of Pennsylvania, for 5 minutes today.

Ms. ROS-LEHTINEN, for 5 minutes today.

Mr. LUCAS of Oklahoma for 5 minutes today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MEEHAN) and to include extraneous material:)

Mr. KIND.

Mr. MANTON.

Ms. KILPATRICK.

Mr. ACKERMAN.

Mr. KENNEDY of Massachusetts.

Mr. SERRANO.

Mr. OWENS.

Mr. CONYERS.

Mr. GREEN.

(The following Members (at the request of Mr. CALVERT) and to include extraneous material:)

Mrs. LINDA SMITH of Washington.

Mr. HEFLEY.

Mr. PORTER.

Mr. RADANOVICH.

Mr. RILEY.

Mrs. MORELLA.

Mr. BRYANT.

Mr. MICA.

Mr. TALENT.

Mr. MCHUGH.

Mr. GILMAN.

Mr. UPTON.

Mr. SMITH of Michigan.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1418. An act to promote the research, identification, assessment, exploration, and development of methane hydrate resources, and for other purposes; to the Committee on Science, and in addition, to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. 638. An act to provide for the expeditions completion of the acquisition of private mineral interests within the Mount St. Helens National volcanic Monument mandated by the 1982 Act that established the Monument, and for other purposes; to the Committee on Resources.

S. 1069. An act entitled the "National Discovery Trails Act of 1997; to the Committee on Resources.

S. 1132. An act to modify the boundaries of the Bandelier National Monument to include the lands within the headwaters of the Upper Alamo Watershed which drain into the Monument and which are not currently within the jurisdiction of a Federal land management agency, to authorize purchase or donation of those lands, and for other purposes; to the Committee on Resources.

S. 1403. An act to amend the National Historic Preservation Act for purposes of establishing a national historic lighthouse preservation program; to the Committee on Resources.

S. 1510. An act to direct the Secretary of the Interior and the Secretary of Agriculture to convey certain lands to the county of Rio Arriba, New Mexico; to the Committee on Resources.

S. 1695. An act to authorize the Secretary of the Interior to study the suitability and

feasibility of designating the Sand Creek Massacre National historic Site in the State of Colorado as a unit of the National Park System, and for other purposes; to the Committee on Resources.

S. 1807. An act to transfer administrative jurisdiction over certain parcels of public domain land in Lake County, Oregon, to facilitate management of the land, and for other purposes; to the Committee on Resources.

S. Con. Res. 105. Concurrent Resolution expressing the sense of the Congress regarding the culpability of Slobodan Milosevic for war crimes, crimes against humanity, and genocide in the former Yogoslavia, and for other purposes; to the Committee on International Relations.

ADJOURNMENT

Mr. CALVERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 41 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, July 21, 1998, at 9 a.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

10065. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Tuberculosis in Cattle, Bison, and Captive Cervids; Indemnity for Suspects [Docket No. 98–033–1] received June 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10066. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Validated Brucellosis—Free States; Oklahoma [Docket No. 98–061–1] received June 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10067. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to Turkmenistan, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

10068. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to Mexico, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

10069. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Board's final rule—Eligibility for Membership and Advances [No. 98–15] (RIN: 3069–AA69) received July 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10070. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Theft Prevention Standard; Final Listing of Model Year 1999 High-Theft Vehicle Lines [Docket No. NHTSA–98–3752] (RIN: 2127–AH06) received July 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10071. A letter from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Assessment and Collection of Regulatory Fees for Fiscal Year 1998 [MD Docket No. 98–36] received July 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10072. A letter from the Acting, Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Financial Disclosure by Clinical Investigators; Correction [Docket No. 93N–0445] received July 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10073. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

10074. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Transportation of Hazardous Materials; Miscellaneous Amendments [Docket No. RSPA–97–2905 (HM–166Y)] (RIN: 2137–AC41) received July 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10075. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29260; Amdt. No. 1875] (RIN: 2120–AA65) received June 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10076. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29262; Amdt. No. 1877] (RIN: 2120–AA65) received July 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10077. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29261; Amdt. No. 1876] (RIN: 2120–AA65) received July 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10078. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–100, -200, -200C Series Airplanes [Docket No. 98–NM–121–AD; Amendment 39–10642; AD 98–14–09] (RIN: 2120–AA64) received July 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10079. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Daytona Beach, FL; Correction [Airspace Docket No. 98–ASO–6] received July 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10080. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations; Head of the Ohio, Allegheny River mile 0.0–3.3 (RIN: 2115–AE46) received July 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10081. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Technical Amendments; Organizational Changes; Miscellaneous Editorial Changes and Conforming Amendments [USCG–1998–3799] received July 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10082. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations; City of Pittsburgh Independence Eve Celebration Allegheny River mile 0.0–0.5, Monongehela River mile 0.0–0.2 and Ohio River mile 0.0–0.9 [CGD08–98–035] (RIN: 2115–AE46) received July 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10083. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations; Oakmont Yacht Club Regatta Allegheny River mile 12.0–13.0 [CGD08–98–031] (RIN: 2115–AE46) received July 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10084. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulation; Lake Pontchartrain, LA [CGD08–98–036] (RIN: 2115–AE47) received July 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10085. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—SPECIAL LOCAL REGULATIONS; Around Alone Sailboat Race, Charleston, SC [CGD07–98–008] (RIN: 2115–AE46) received July 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10086. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations; Steubenville Regatta, Ohio River mile 65.0–67.0 [CGD08–98–032] (RIN: 2115–AE46) received July 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10087. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations; Pittsburgh Three Rivers Regatta Allegheny River mile 0.0–0.5, Monongehela River mile 0.0–0.2 and Ohio River mile 0.0–0.9 [GCD08–98–033] (RIN: 2115–AE46) received July 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10088. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Great Lakes Pilotage; Reorganization of Regulations [USCG–1998–3976] Recieved July 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10089. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model AS–350B, BA, B1, B2, and D, and Model AS–355E, F, F1, F2, and N Helicopters [Docket No. 97–SW–25–AD; Amendment 39–10635; AD 98–14–01] (RIN: 2120–AA64) received July 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10090. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Cessna Aircraft Company Model 172R Airplanes [Docket No. 97–CE–96–AD; Amendment 39–10641; AD 98–14–07] (RIN: 2120–AA64) received July 6, 1998, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10091. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney Canada PW100 Series Turboprop Engines [Docket No. 97–ANE–33–AD; Amendment 39–10636; AD 98–14–02] (RIN: 2120–AA64) received July 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10092. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspcace; Philadelphia, PA [Airspace Docket No. 98–AEA–02] received July 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10093. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Farmville, VA [Airspace Docket No. 98–AEA–07] received July 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10094. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Marion, OH Correction [Airspace Docket No. 98–AGL–20] received July 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10095. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace BAe Model ATP Airplanes [Docket No. 98–NM–113–AD; Amendment 39–10640; AD 98–14–06] (RIN: 2120–AA64) received July 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10096. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; AlliedSignal Inc. KT 76A Air Traffic Control (ATC) Transponders [Docket No. 97–CE–30–AD; Amendment 39–10637; AD 98–14–03] (RIN: 2120–AA64) received July 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10097. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; de Havilland Model DHC–8–100, -200, and -300 Series Airplanes [Docket No. 97–NM–336–AD; Amendment 39–10638; AD 98–14–04] (RIN: 2120–AA64) received July 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10098. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328–100 Series Airplanes [Docket No. 98–NM–103–AD; Amendment 39–10639; AD 98–14–05] (RIN: 2120–AA64) received July 6, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10099. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rules and regulations [Revenue Procedure 98–42] received June 29, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10100. A letter from the Chief of Staff, Social Security Commission, transmitting the Commission's final rule—Supplemental Security Income for the Aged, Blind, and Disabled; Charging Administration Fees for Making State Supplementary Payments [Regulations No. 16] (RIN: 0960–AE84) received July 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10101. A letter from the Chief of Staff, Social Security Commission, transmitting the Commission's final rule—Supplemental Security Income for the Aged, Blind, and Disabled; Valuation of the In-Kind Support and Maintenance With Cost-of-Living Adjustment (RIN: 0960–AD82) received July 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII reports of committees were delivered to the Clerk for printing and references to the proper calendar, as follows:

Mr. ARCHER: Committee on Ways and Means. H.R. 3249. A bill to provide for the rectification of certain retirement coverage errors affecting Federal employees, and for other purposes; with an amendment (Rept. 105–625 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOODLING: Committee on Education and the Workforce. H.R. 3874. A bill to amend the Child Nutrition Act of 1966 to make improvements to the special supplemental nutrition program for women, infants, and children and to extend the authority of that program through fiscal year 2003; with amendments (Rept. 105–633). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. H.R. 8. A bill to amend the Clean Air Act to deny entry into the United States of certain foreign motor vehicles that do not comply with State laws governing motor vehicles emissions, and for other purposes; with an amendment (Rept. 105–634). Referred to the Committee of the Whole House on the State of the Union.

Mr. PORTER: Committee on Appropriations. H.R. 4274. A bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1999, and for other purposes (Rept. 105–635). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROGERS: Committee on Appropriations. H.R. 4276. A bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1999, and for other purposes (Rept. 105–636). Referred to the Committee of the Whole House on the State of the Union.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 504. Resolution providing for consideration of the bill (H.R. 4193) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1999, and for other purposes (Rept. 105–637). Referred to the House Calendar.

Mr. ARCHER: Committee on Ways and Means. House Joint Resolution 121. Resolution disapproving the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of the People's Republic of China; adversely (Rept. 105–638). Referred to the Committee of the Whole House on the State of the Union.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 4057. A bill to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes; with an amendment (Rept. 105–639). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. PORTER:

H.R. 4274. A bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

By Mr. SHUSTER (for himself, Mr. OBERSTAR, Mr. KIM, and Mr. TRAFICANT):

H.R. 4275. A bill to reauthorize and make reforms to programs authorized by the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROGERS:

H.R. 4276. A bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

By Mr. CAMPBELL:

H.R. 4277. A bill to ensure and foster continued patient safety and quality of care by making the antitrust laws apply to negotiations by groups of health care professionals and certain other associations that are engaged in negotiations with health maintenance organizations and other health insurance issuers in the same manner as such laws apply to collective bargaining by labor organizations under the National Labor Relations Act; to the Committee on the Judiciary.

By Mr. GUTIERREZ (for himself, Mr. KUCINICH, and Mr. HILLIARD):

H.R. 4278. A bill to require the provision of health care benefits under Federal contracts and subcontracts; to the Committee on Education and the Workforce, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHERMAN:

H.R. 4279. A bill to amend the Internal Revenue Code of 1986 to repeal the application of the alternative minimum tax to the transfer of stock pursuant to an incentive stock option; to the Committee on Ways and Means.

By Mr. MCHALE (for himself, Mr. WOLF, Mr. ROEMER, Ms. PRYCE of Ohio, Mrs. JOHNSON of Connecticut, Mr. FORD, Mr. ADAM SMITH of Washington, Mr. BOEHLERT, Mr. LAFALCE, Ms. FURSE, Mr. WALSH, Mr. CALVERT, Mr. POSHARD, Mr. MARTINEZ, Ms. JACKSON-LEE, Mr. GREENWOOD, Mr. GILMAN, Mr. ENGEL, Mr. ROMERO-BARCELÓ, Mr. MALONEY of Connecticut, Ms. CARSON, Mr. FILNER, Mr. LEWIS of Kentucky, Mr.

GALLEGLY, Mr. HORN, Mr. MASCARA, Mr. COYNE, Mr. DOYLE, Mr. BENTSEN, Mr. HASTINGS of Florida, Mr. HILLIARD, Mr. DAVIS of Florida, Mr. BLUNT, Mr. HOLDEN, Mr. WEXLER, Ms. ROS-LEHTINEN, Mr. ENGLISH of Pennsylvania, Ms. HOOLEY of Oregon, and Mr. ETHERIDGE):

H. Con. Res. 302. Concurrent resolution recognizing the importance of children and families in the United States and expressing support for the goals of National KidsDay and National Family Month; to the Committee on Government Reform and Oversight.

By Mr. TORRES (for himself, Mr. PASTOR, Mr. KILDEE, Mr. BECERRA, Mr. KENNEDY of Rhode Island, Mr. RANGEL, Mr. TOWNS, Mr. FALEOMAVAEGA, Mr. FROST, Mr. FILNER, Mrs. MALONEY of New York, Mr. GUTIERREZ, Ms. VELÁZQUEZ, Mr. MENENDEZ, Mr. ROMERO-BARCELÓ, Mr. UNDERWOOD, Mr. HINOJOSA, Mr. ORTIZ, Mr. SERRANO, Ms. ROYBAL-ALLARD, Ms. SANCHEZ, and Mr. MARTINEZ):

H. Con. Res. 303. Concurrent resolution expressing the sense of the Congress that the President should declare Kneeling Nun Mountain in Grant County, New Mexico, to be a national monument, and for other purposes; to the Committee on Resources.

By Mr. FALEOMAVAEGA (for himself, Mr. GILMAN, Mr. HAMILTON, Mr. BEREUTER, Mr. BERMAN, Mr. SMITH of New Jersey, Mr. LANTOS, and Mr. HASTINGS of Florida):

H. Res. 505. A resolution expressing the sense of the House of Representatives with respect to the importance of diplomatic relations with the Pacific Island nations; to the Committee on International Relations.

By Mr. HANSEN (for himself and Mr. BERMAN):

H. Res. 506. A resolution providing amounts for further expenses of the Committee on Standards of Official Conduct in the second session of the One Hundred Fifth Congress; to the Committee on House Oversight.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 45: Mr. VENTO.
H.R. 71: Mr. BLUNT.
H.R. 296: Mr. FOLEY.
H.R. 677: Mr. PAPPAS and Mr. ROYCE.
H.R. 687: Ms. ROYBAL-ALLARD.
H.R. 1032: Mr. HORN.
H.R. 1126: Mr. KUCINICH and Mr. BILIRAKIS.
H.R. 1288: Mr. CANADY of Florida.
H.R. 1320: Mr. MILLER of California.
H.R. 1321: Mr. DOOLEY of California.
H.R. 1338: Mr. BURTON of Indiana.
H.R. 1404: Mr. JACKSON of Illinois and Ms. LEE.
H.R. 1636: Ms. LEE and Mr. FARR of California.
H.R. 1689: Mr. CHAMBLISS.
H.R. 2397: Mr. ALLEN, Mr. BROWN of Ohio, Mr. THOMPSON, Mr. BILBRAY, Mr. UPTON, Mr. SKEEN, Mr. SHAYS, and Mr. PASTOR.
H.R. 2409: Ms. NORTON.
H.R. 2509: Mr. GOODLING.
H.R. 2579: Mr. HAYWORTH.
H.R. 2869: Mr. SCARBOROUGH.
H.R. 2914: Mr. FOLEY and Mr. THOMPSON.
H.R. 2944: Mr. FRANK of Massachusetts.
H.R. 2955: Mr. DELAHUNT, Mr. RODRIGUEZ, Ms. SLAUGHTER, and Mr. GUTIERREZ.
H.R. 2968: Mr. PITTS, Mr. SESSIONS, Mr. BAKER, and Mr. STUMP.
H.R. 2982: Mrs. MORELLA and Mrs. KELLY.
H.R. 3022: Mr. DAVIS of Virginia.
H.R. 3234: Mrs. BONO.
H.R. 3248: Mr. GUTKNECHT and Mrs. WILSON.
H.R. 3251: Mr. BERMAN, Mr. SNYDER, Mr. ETHERIDGE, and Mr. MCGOVERN.
H.R. 3262: Ms. KILPATRICK.
H.R. 3281: Mr. MATSUI, Ms. WOOLSEY, Mr. DICKS, Mr. GUTIERREZ, and Mr. STARK.
H.R. 3572: Mr. HAYWORTH, Mr. MARTINEZ, Mr. GILLMOR, Mr. ADERHOLT, Mr. MCDERMOTT, Ms. LEE, and Mr. HINCHEY.
H.R. 3610: Mr. BROWN of Ohio and Ms. HOOLEY of Oregon.
H.R. 3710: Mr. BENTSEN, Mr. BOYD, Ms. CHRISTIAN-GREEN, Mr. CONDIT, Mr. ENSIGN, Mr. GREENWOOD, Mr. JONES, Mr. LAMPSON, Mr. LANTOS, Ms. LEE, Mr. LIPINSKI, Mrs. MEEK of Florida, Mr. MORAN of Virginia, Mr. PASTOR, Ms. SANCHEZ, Mr. SHAYS, Mr. WEXLER, Mr. STENHOLM, Mr. OLVER, Mr. PRICE of North Carolina, Mr. MCINNIS, Mr. STUMP, Mrs. THURMAN, Mr. BILBRAY, Mr. KLECZKA, Mr. HOBSON, Mr. TRAFICANT, and Ms. BROWN of Florida.
H.R. 3779: Mr. MEEKS of New York, Mr. BASS, Mr. DELAHUNT, Mr. NEAL of Massachusetts, Mr. TOWNS, Mr. KENNEDY of Massachusetts, Mr. KENNEDY of Rhode Island, Mr. GILMAN, Mr. FAZIO of California, Mr. KLECZKA, Mr. SANDERS, Mr. COSTELLO, and Ms. MILLENDER-MCDONALD.
H.R. 3782: Ms. CHRISTIAN-GREEN.
H.R. 3790: Mr. ALLEN, Mr. BENTSEN, Mr. BLAGOJEVICH, Mr. BLUMENAUER, Mr. BOEHNER, Mr. BOEHLERT, Mrs. BONO, Mr. BOYD, Mr. CALVERT, Mrs. CAPPS, Ms. CHRISTIAN-GREEN, Mr. CLEMENT, Mr. CRAMER, Ms. DELAURO, Mr. DIXON, Mr. DOYLE, Mr. ENGLISH of Pennsylvania, Mr. GOODE, Mr. GOODLING, Ms. HARMAN, Mr. HAYWORTH, Mr. HOYER, Mr. HUTCHINSON, Mr. JACKSON of Illinois, Ms. JACKSON-LEE, Mr. JEFFERSON, Mr. KILDEE, Mr. LAZIO of New York, Mr. LINDER, Mr. LEWIS of Georgia, Mrs. MINK of Hawaii, Ms. NORTON, Mr. PASCRELL, Mr. RADANOVICH, Mr. RANGEL, Ms. RIVERS, Mr. SANFORD, Mr. SAXTON, Mr. BOB SCHAFFER, Mr. SKAGGS, Mr. SKELTON, Mr. STOKES, Mr. UNDERWOOD, Mr. WALSH, Mr. WATT of North Carolina, Mr. WHITE, Mr. DEAL of Georgia, and Mr. MCINTOSH.
H.R. 3792: Mr. METCALF.
H.R. 3815: Mr. SHERMAN, Ms. ESHOO, Mr. GOSS, Mr. FROST, Mr. KLUG, and Ms. PELOSI.
H.R. 3821: Mr. GALLEGLY, Ms. WILSON, Mr. LIPINSKI, Mr. ETHERIDGE, Mrs. BONO, Mr. COOKSEY, Mr. PORTER, and Mr. BOYD.
H.R. 3862: Mrs. KENNELLY of Connecticut.
H.R. 3879: Mr. PITTS, Mr. HYDE, and Ms. PRYCE of Ohio.
H.R. 3905: Mr. SENSENBRENNER.
H.R. 3985: Mr. SANDLIN.
H.R. 4006: Mr. CALVERT, Mrs. EMERSON, Mr. CHABOT, Mr. BRADY of Texas, Mr. SNOWBARGER, Mr. BOB SCHAFFER, and Ms. ROYBAL-ALLARD.
H.R. 4035: Ms. RIVERS, Mr. SCHUMER, Mr. STRICKLAND, Mrs. THURMAN, Ms. SLAUGHTER, and Mr. MCDERMOTT.
H.R. 4036: Ms. RIVERS, Mr. DEUTSCH, Mr. CHRISTENSEN, Mr. SCHUMER, Mr. STRICKLAND, Mrs. THURMAN, Ms. SLAUGHTER, Mrs. KELLY, Mr. BALDACCI, Ms. CARSON, and Mr. MCDERMOTT.
H.R. 4071: Mr. GORDON.
H.R. 4084: Mr. MANTON, Mr. HILLIARD, Mr. FALEOMAVAEGA, Mr. OLVER, and Ms. PELOSI.
H.R. 4095: Ms. LEE, Mr. STARK, and Mr. SHAYS.
H.R. 4121: Mr. MARTINEZ.
H.R. 4125: Mr. HULSHOF, Mr. HOSTETTLER, and Mr. CRAPO.
H.R. 4147: Mr. MCGOVERN, Ms. RIVERS, Mr. THOMPSON, and Mr. HOSTETTLER.
H.R. 4151: Mr. BRADY of Pennsylvania.
H.R. 4155: Mr. MCHUGH.
H.R. 4188: Mr. ALLEN.
H.R. 4196: Mr. ENSIGN, Mrs. CHENOWETH, Mrs. LINDA SMITH of Washington, Mr. TIAHRT, Mr. SUNUNU, Mr. ENGLISH of Pennsylvania, Mr. WATTS of Oklahoma, and Mr. GIBBONS.
H.R. 4197: Mr. BALLENGER, Mr. ENGLISH of Pennsylvania, and Mr. ENSIGN.
H.R. 4206: Mr. BONIOR, Ms. BROWN of Florida, Mr. KLECZKA, Ms. SLAUGHTER, Mr. EVANS, Mr. WALSH, Ms. DANNER, Mrs. THURMAN, Mr. HORN, Mr. MALONEY of Connecticut, Mr. DOYLE, and Mr. KING of New York.
H.R. 4217: Mr. ENGLISH of Pennsylvania.
H.R. 4220: Mr. RODRIGUEZ and Mr. BILBRAY.
H.R. 4224: Mr. RAHALL and Mr. ABERCROMBIE.
H.R. 4232: Mr. CALVERT and Mr. ENGLISH of Pennsylvania.
H.R. 4236: Mr. DOOLEY of California.
H.R. 4248: Mr. SESSIONS, Mr. MARKEY, and Mr. BALDACCI.
H.R. 4250: Ms. DUNN of Washington, Mr. SOLOMON, Mr. HYDE, Mr. CANADY of Florida, Mr. GRAHAM, Mr. WAMP, Mr. LINDER, Mr. MCCOLLUM, Mr. CUNNINGHAM, Mr. WICKER, Mr. DICKEY, Mr. RIGGS, and Mr. HAYWORTH.
H.R. 4257: Mr. REGULA.
H.J. Res 40: Mr. DOOLITTLE.
H. Con. Res. 224: Mr. BRADY of Texas.
H. Con. Res. 229: Mr. SAXTON.
H. Con. Res. 278: Mr. COOK and Mr. RILEY.
H. Con. Res. 290: Mrs. MYRICK and Mr. POSHARD.
H. Con. Res. 292: Mr. SHERMAN.
H. Res. 98: Mrs. BONO.
H. Res. 421: Mr. SHERMAN.
H. Res. 459: Mr. BEREUTER, Mr. BERMAN, and Mr. SHERMAN.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2183

OFFERED BY: MR. DELAY

(To the Amendment Offered By: Mr. Shays or Mr. Meehan)

AMENDMENT NO. 172: Add at the end of title V the following new section (and conform the table of contents accordingly):

SEC. 510. REQUIRING EXPRESS ADVOCACY TO BE DETERMINED WITHOUT REGARD TO BACKGROUND MUSIC.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended by sections 101, 401, and 507, is further amended by adding at the end the following new section:

"DETERMINATION OF EXPRESS ADVOCACY WITHOUT REGARD TO BACKGROUND MUSIC

"SEC. 326. In determining whether any communication by television or radio broadcast constitutes express advocacy for purposes of this Act, there shall not be taken into account any background music used in such broadcast.".

H.R. 4193

OFFERED BY: MR. GALLEGLY

AMENDMENT NO. 12: Add after the final section the following new section:

SEC. _____. None of the funds appropriated or otherwise made available by this Act may be used to collect entrance fees, or to pay the salaries of personnel of the Forest Service who collect entrance fees, pursuant to the recreation fee demonstration program authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (section 101(c) of Public Law 104–134; 16 U.S.C. 4601–6a note), for a unit of the National Forest System from a person who resides within such unit or within 20 miles of any entrance to such unit.

H.R. 4193

OFFERED BY: MR. GUTIERREZ

AMENDMENT NO. 13: Page 2, line 13, insert after the dollar amount the following: "(reduced by $1,000,000)".

Page 56, line 2, insert after the dollar amount the following: "(increased by $1,000,000)".

H.R. 4193

OFFERED BY: MR. GUTIERREZ

AMENDMENT NO. 14: Add after the final section the following new section:

SEC. ____. The amounts otherwise provided by this Act are revised by reducing the amount made available for "MANAGEMENT OF LANDS AND RESOURCES" under the heading "BUREAU OF LAND MANAGEMENT" and increasing the amount for "STATE AND PRIVATE FORESTRY" under the heading "FOREST SERVICE" (for removal of trees in Chicago, Illinois, infected with the Asian Longhorn Beetle and for replacement of such trees), both by $1,000,000.

H.R. 4193

OFFERED BY: MR. MILLER OF CALIFORNIA

AMENDMENT NO. 15: Page 68, beginning at line 13, strike "for indirect" and all that follows through line 16 and insert the following: "may not be used for indirect support activities (as defined in the Forest Service Handbook).".

H.R. 4193

OFFERED BY: MR. MILLER OF CALIFORNIA

AMENDMENT NO. 16: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC.—. None of the funds made available in this Act may be used to construct any road in the Tongass National Forest.

H.R. 4193

OFFERED BY: MR. PAPPAS

AMENDMENT NO. 17: Page 19, line 7, insert after the dollar amount the following: "(increased by $50,000,000)".

Page 88, line 14, insert after the dollar amount "(reduced by $25,000,000)".

H.R. 4193

OFFERED BY: MR. PARKER

AMENDMENT NO. 18: Page 81, line 8, strike "*Provided further*" and all that follows through "funding agreements:" on line 21.